



Board of Barbers & Hairdressers Meeting

Alaska Division of Corporations, Business and Professional Licensing

February 27, 2023 at 8:30 AM AKST to February 27, 2023 at 5:00 PM AKST

Videoconference Meeting

In light of the current COVID-19 situation, no physical attendance will be accepted

ZOOM Meeting Info:

<https://us02web.zoom.us/j/82829150648?pwd=R2p5K0hGVEZVQUh0RUVzKzBISXprUT09>

Meeting ID: 828 2915 0648

Passcode: 619772

OR Call In: 1 253 215 8782

TENTATIVE MEETING AGENDA

Working Groups May Occur

Agenda:

- 1. 8:30 a.m. February 27, 2023 Call to Order/Roll Call**
 - A. Greet New Board Member(s)/Introductions - TENTATIVE
- 2. 8:35 a.m. Review/Amend Agenda**
- 3. 8:45 a.m. Ethics Disclosure**
- 4. 8:55 a.m. Administrative Business**
 - A. Review/Edit/Approve Meeting Minutes
 - i. November 14, 2022 Meeting
- 5. 9:05 a.m. New Business**
 - A. Legislative Guidance – 2023
 - B. Legislative Proposal Update
- 6. 10:30 a.m. Division and Financial Update**
 - A. FY23 1st Quarter Budget Reports
 - B. FY23 2nd Quarter Budget Reports
 - C. Legislative Guidance 2023 – Questions from board members
- 7. 11:30 a.m. Investigations**
 - A. Investigative Memo
 - B. Investigative Probation Report
 - C. Executive Session
- 8. 12:30 p.m. Lunch**
- 9. 1:30 p.m. Public Comment**

- 10. 2:00 p.m. New Business Cont.**
- A. Proposed Regulation Projects
 - I. 12 AAC 09.004 Courtesy License
 - II. 12 AAC 09.190 Apprentices of Barbering, Non-Chemical Barbering, hairdressing, and Esthetics
- 11. 2:30 p.m. Old Business**
- A. Position Statement(s) – Update/Edit
 - I. Review of Esthetician Dermal Layer of Skin Position Statement
- 12. 3:00 p.m. Administrative Business Cont.**
- A. Application Review
 - B. Correspondence
- 13. 4:00 p.m. Adjourn**

State of Alaska Department of Law

Ethics Information for Members of Boards & Commissions (AS 39.52)

Introduction

This is an introduction to AS 39.52, the Alaska Executive Branch Ethics Act. This guide is not a substitute for reading the law and its regulations. State board and commission members who have further questions should contact their board chair or staff.

The Ethics Act applies to all current and former executive branch public employees and members of statutorily created boards and commissions.

Scope of Ethics Act (AS 39.52.110)

Service on a state board or commission is a public trust. The Ethics Act prohibits substantial and material conflicts of interest. Further, board or commission members, and their immediate family, may not improperly benefit, financially or personally, from their actions as board or commission members. The Act does not, however, discourage independent pursuits, and it recognizes that minor and inconsequential conflicts of interest are unavoidable.

Misuse of Official Position (AS 39.52.120)

Members of boards or commissions may not use their positions for personal gain or to give an unwarranted benefit or treatment to any person. For example, board members may not:

- use their official positions to secure employment or contracts;
 - accept compensation from anyone other than the State for performing official duties;
 - use State time, equipment, property or facilities for their own personal or financial benefit or for partisan political purposes;
 - take or withhold official action on a matter in which they have a personal or financial interest; or
 - coerce subordinates for their personal or financial benefit.
- attempt to influence outcome of an administrative hearing by privately contacting the hearing officer.



Terry knew that a proposal that was before the board would harm Terry's business competitor. Instead of publicly disclosing the matter and requesting recusal, Terry voted on the proposal.



Board member Mick has board staff employee Bob type an article for him that Mick hopes to sell to an Alaskan magazine. Bob types the article on State time.

Improper Gifts (AS 39.52.130)

A board member may not solicit or accept gifts if a person could reasonably infer from the circumstances that the gift is intended to influence the board member's action or judgment. "Gifts" include money, items of value, services, loans, travel, entertainment, hospitality, and employment. All gifts from registered lobbyists are presumed to be improper, unless the giver is immediate family of the person receiving the gift.

A gift worth more than \$150 to a board member or the board member's immediate family must be reported within 30 days if:

- the board member can take official action that can affect the giver, or
- the gift is given to the board member because he or she is on a state board.

The receipt of a gift worth less than \$150 may be prohibited if a person could reasonably infer from the circumstances that the gift is intended to influence the board member's action or judgment. Receipt of such a gift should be disclosed.

Any gift received from another government, regardless of value, must be reported; the board member will be advised as to the disposition of this gift.

A form for reporting gifts is available at www.law.alaska.gov/doclibrary/ethics or from the board or commission staff.

This restriction on gifts does not apply to lawful campaign contributions.



The commission is reviewing Roy's proposal for an expansion of his business. Roy invites all the board members out to dinner at an expensive restaurant. He says it will be okay, since he isn't excluding any of the members.



Jody receives a holiday gift every year from Sam. Jody was recently appointed to a state board, but Sam has no business that is before the board. Jody may accept the gift.

Improper Use or Disclosure of Information (AS 39.52.140)

No former or current member of a board may use or disclose any information acquired from participation on the board if that use or disclosure could result in a financial or personal benefit to the board member (or immediate family), unless that information has already been disseminated to the public. Board members are also prohibited from disclosing confidential information, unless authorized to do so.



Sheila has been on the board for several years. She feels she has learned a great deal of general information about how to have a successful business venture. So she sets up her own business and does well.



Delores has always advised and assisted the other doctors in her clinic on their continuing education requirements. After Delores is appointed to the medical board, she discloses this role to the board and continues to advise the doctors in her clinic.



Jim reviews a confidential investigation report in a licensing matter. He discusses the practitioner's violation with a colleague who is not a board member.

Improper Influence in State Grants, Contracts, Leases or Loans (AS 39.52.150)

A board member, or immediate family, may not apply for, or have an interest in a State grant, contract, lease, or loan, if the board awards or takes action to administer the State grant, contract, lease, or loan.

A board member (or immediate family) may apply for or be a party to a competitively solicited State grant, contract or lease, if the board as a body does not award or administer the grant, contract, or lease and so long as the board member does not take official action regarding the grant, contract, or lease.

A board member (or immediate family) may apply for and receive a State loan that is generally available to the public and has fixed eligibility standards, so long as the board member does not take (or withhold) official action affecting the loan's award or administration.

Board members must report to the board chair any personal or financial interest (or that of immediate family) in a State grant, contract, lease or loan that is awarded or administered by the agency the board member serves. A form for this purpose is available at www.law.alaska.gov/doclibrary/ethics or from the board or commission staff.



John sits on a board that awards state grants. John hasn't seen his daughter for nearly ten years so he figures that it doesn't matter when her grant application comes up before the board.



The board wants to contract out for an analysis of the board's decisions over the last ten years. Board member Kim would like the contract since she has been on the board for ten years and feels she could do a good job.

Improper Representation (AS 39.52.160)

A board or commission member may not represent, advise, or assist a person in matters pending before the board or commission for compensation. A nonsalaried board or commission member may represent, advise, or assist in matters in which the member has an interest that is regulated by the member's own board or commission, if the member acts in accordance with AS 39.52.220 by disclosing the involvement in writing and on the public record, and refraining from all participation and voting on the matter. This section does not allow a board member to engage in any conduct that would violate a different section of the Ethics Act.



Susan sits on the licensing board for her own profession. She will represent herself and her business partner in a licensing matter. She discloses this situation to the board and refrains from participation in the board's discussions and determinations regarding the matter.

Restriction on Employment After Leaving State Service (AS 39.52.180)

For two years after leaving a board, a former board member may not provide advice or work for compensation on any matter in which the former member personally and substantially participated while serving on the board. This prohibition applies to cases, proceedings, applications, contracts, legislative bills, regulations, and similar matters. This section does not prohibit a State agency from contracting directly with a former board member.

With the approval of the Attorney General, the board chair may waive the above prohibition if a determination is made that the public interest is not jeopardized.

Former members of the governing boards of public corporations and former members of boards and commissions that have regulation-adoption authority, except those covered by the centralized licensing provisions of AS 08.01, may not lobby for pay for one year.



The board has arranged for an extensive study of the effects of the Department's programs. Andy, a board member, did most of the liaison work with the contractor selected by the board, including some negotiations about the scope of the study. Andy quits the board and goes to work for the contractor, working on the study of the effects of the Department's programs.



Andy takes the job, but specifies that he will have to work on another project.

Aiding a Violation Prohibited (AS 39.52.190)

Aiding another public officer to violate the Ethics Act is prohibited.

Agency Policies (AS 39.52.920)

Subject to the Attorney General's review, a board may adopt additional written policies further limiting personal or financial interests of board members.

Disclosure Procedures

DECLARATION OF POTENTIAL VIOLATIONS BY MEMBERS OF BOARDS OR COMMISSIONS (AS 39.52.220)

A board member whose interests or activities could result in a violation of the Ethics Act if the member participates in board action must disclose the matter on the public record and in writing to the board chair who determines whether a violation exists. A form for this purpose is available at www.law.alaska.gov/doclibrary/ethics or from the board or commission staff. If another board member objects to the chair's ruling or if the chair discloses a potential conflict, the board members at the meeting (excluding the involved member) vote on the matter. If the chair or the board determines a violation will occur, the member must refrain from deliberating, voting, or participating in the matter. For more information, see Ethics Act Procedures for Boards and Commissions available at the above noted web site.

When determining whether a board member's involvement in a matter may violate the Ethics Act, either the chair or the board or commission itself may request guidance from the Attorney General.

ATTORNEY GENERAL'S ADVICE (AS 39.52.240-250)

A board chair or a board itself may request a written advisory opinion from the Attorney General interpreting the Ethics Act. A former board member may also request a written advice from the Attorney General. These opinions are confidential. Versions of opinions without identifying information may be made available to the public.

REPORTS BY THIRD PARTIES (AS 39.52.230)

A third party may report a suspected violation of the Ethics Act by a board member in writing and under oath to the chair of a board or commission. The chair will give a copy to the board member and to the Attorney General and review the report to determine whether a violation may or does exist. If the chair determines a violation exists, the board member will be asked to refrain from deliberating, voting, or participating in the matter.

Complaints, Hearings, and Enforcement

COMPLAINTS (AS 39.52.310-330)

Any person may file a complaint with the Attorney General about the conduct of a current or former board member. Complaints must be written and signed under oath. The Attorney General may also initiate complaints based on information provided by a board. A copy of the complaint will be sent to the board member who is the subject of the complaint and to the Personnel Board.

All complaints are reviewed by the Attorney General. If the Attorney General determines that the complaint does not warrant investigation, the complainant and the board member will be notified of the dismissal. The Attorney General may refer a complaint to the board member's chair for resolution.

After investigation, the Attorney General may dismiss a complaint for lack of probable cause to believe a violation occurred or recommend corrective action. The complainant and board member will be promptly notified of this decision.

Alternatively, if probable cause exists, the Attorney General may initiate a formal proceeding by serving the board or commission member with an accusation alleging a violation of the Ethics Act. Complaints or accusations may also be resolved by settlement with the subject.

CONFIDENTIALITY (AS 39.52.340)

Complaints and investigations prior to formal proceedings are confidential. If the Attorney General finds evidence of probable criminal activity, the appropriate law enforcement agency shall be notified.

HEARINGS (AS 39.52.350-360)

An accusation by the Attorney General of an alleged violation may result in a hearing. An administrative law judge from the state's Office of Administrative Hearings serves as hearing officer and determines the time, place and other matters. The parties to the proceeding are the Attorney General, acting as prosecutor, and the accused public officer, who may be represented by an attorney. Within 30 days after the hearing, the hearing officer files a report with the Personnel Board and provides a copy to the parties.

PERSONNEL BOARD ACTION (AS 39.52.370)

The Personnel Board reviews the hearing officer's report and is responsible for determining whether a violation occurred and for imposing penalties. An appeal may be filed by the board member in the Superior Court.

PENALTIES (AS 39.52.410-460)

When the Personnel Board determines a board member has violated the Ethics Act, it will order the member to refrain from voting, deliberating, or participating in the matter. The Personnel Board may also order restitution and may recommend that the board member be removed from the board or commission. If a recommendation of removal is made, the appointing authority will immediately remove the member.

If the Personnel Board finds that a former board member violated the Ethics Act, it will issue a public statement about the case and will ask the Attorney General to pursue appropriate additional legal remedies.

State grants, contracts, and leases awarded in violation of the Ethics Act are voidable. Loans given in violation of the Ethics Act may be made immediately payable.

Fees, gifts, or compensation received in violation of the Ethics Act may be recovered by the Attorney General.

The Personnel Board may impose a fine of up to \$5,000 for each violation of the Ethics Act. In addition, a board member may be required to pay up to twice the financial benefit received in violation of the Ethics Act.

Criminal penalties are in addition to the civil penalties listed above.

DEFINITIONS (AS 39.52.960)

Please keep the following definitions in mind:

Benefit - anything that is to a person's advantage regardless financial interest or from which a person hopes to gain in any way.

Board or Commission - a board, commission, authority, or board of directors of a public or quasi-public corporation, established by statute in the executive branch, including the Alaska Railroad Corporation.

Designated Ethics Supervisor - the chair or acting chair of the board or commission for all board or commission members and for executive directors; for staff members, the executive director is the designated ethics supervisor.

Financial Interest - any property, ownership, management, professional, or private interest from which a board or commission member or the board or commission member's immediate family receives or expects to receive a financial benefit. Holding a position in a business, such as officer, director, partner, or employee, also creates a financial interest in a business.

Immediate Family - spouse; another person cohabiting with the person in a conjugal relationship that is not a legal marriage; a child, including a stepchild and an adoptive child; a parent, sibling, grandparent, aunt, or uncle of the person; and a parent or sibling of the person's spouse.

Official Action - advice, participation, or assistance, including, for example, a recommendation, decision, approval, disapproval, vote, or other similar action, including inaction, by a public officer.

Personal Interest - the interest or involvement of a board or commission member (or immediate family) in any organization or political party from which a person or organization receives a benefit.

For further information and disclosure forms, visit our Executive Branch Ethics web site or please contact:

State Ethics Attorney
Alaska Department of Law
1031 West 4th Avenue, Suite 200
Anchorage, Alaska 99501-5903
(907) 269-5100
attorney.general@alaska.gov

Revised 9/2013

Department of Law attorney.general@alaska.gov P.O. Box 110300, Juneau, AK 99811-0300
Phone: 907-465-3600 Fax: 907-465-2075 TTY: 907-258-9161
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State of Alaska Department of Law Ethics Act Procedures for Boards & Commissions

All board and commission members and staff should be familiar with the Executive Branch Ethics Act procedures outlined below.

Who Is My Designated Ethics Supervisor (DES)?

Every board or commission subject to the Ethics Act¹ has several ethics supervisors designated by statute.

- The chair serves as DES for board or commission members.
- The chair serves as DES for the executive director.
- The executive director serves as DES for the staff.
- The governor is the DES for a chair.²

What Do I Have To Disclose?

The Ethics Act requires members of boards and commissions to disclose:

- Any matter that is a potential conflict of interest with actions that the member may take when serving on the board or commission.
- Any circumstance that may result in a violation of the Ethics Act.
- Any personal or financial interest (or that of an immediate family member) in a state grant, contract, lease or loan that is awarded or administered by the member's board or commission.
- The receipt of certain gifts.

The executive director of the board or commission and its staff, as state employees, must also disclose:

- Compensated outside employment or services.
- Volunteer service, if any compensation, including travel and meals, is paid or there is a potential conflict with state duties.
- For more information regarding the types of matters that may result in violations of the Ethics Act, board or commission members should refer to the guide, *"Ethics Information for Members of Boards and Commissions."* The executive director and staff should refer to the guide, *"Ethics Information for Public Employees."* Both guides and disclosure forms may be found on the Department of Law's ethics website.

How Do I Avoid Violations of the Ethics Act?

- Make timely disclosures!
- Follow required procedures!
- Provide all information necessary to a correct evaluation of the matter!³
- When in doubt, disclose and seek advice!
- Follow the advice of your DES!

What Are The Disclosure Procedures for Board and Commission Members?

The procedural requirements for disclosures by members are set out in AS 39.52.220 and 9 AAC 52.120. One goal of these provisions is to help members avoid violations of the Ethics Act. The procedures provide the opportunity for members to seek review of matters in advance of taking action to ensure that actions taken will be consistent with the Act.

Procedure for declaring actual or potential conflicts.

Members must declare potential conflicts and other matters that may violate the Ethics Act **on the public record and in writing to the chair.**

Disclosure on the public record. Members must identify actual and potential conflicts orally at the board or commission's public meeting **in advance** of participating in deliberations or taking any official action on the matter.

- A member must always declare a conflict and may choose to refrain from voting, deliberations or other participation regarding a matter.⁴
- If a member is uncertain whether participation would result in a violation of the Act, the member should disclose the circumstances and seek a determination from the chair.

Disclosure in writing at a public meeting. In addition to an oral disclosure at a board or commission meeting, members' disclosures must be made in writing.

- If the meeting is recorded, a tape or transcript of the meeting is preserved **and** there is a method for identifying the declaration in the record, an oral disclosure may serve as the written disclosure.
- Alternatively, the member must note the disclosure on the Notice of Potential Violation disclosure form and the chair must record the determination.

Confidential disclosure in advance of public meeting. Potential conflicts may be partially addressed in advance of a board or commission's public meeting based on the published meeting agenda or other board or commission activity.

- A member identifying a conflict or potential conflict submits a Notice of Potential Violation to the chair, as DES, in advance of the public meeting.
- This written disclosure is considered confidential.
- The chair may seek advice from the Attorney General.
- The chair makes a written determination, also confidential, whether the disclosed matter represents a conflict that will result in a violation of the Ethics Act if the member participates in official action addressing the matter. 5
- If so, the chair directs the member to refrain from participating in the matter that is the subject of the disclosure.
- An oral report of the notice of potential violation and the determination that the member must refrain from participating is put on the record at a public meeting.6

Determinations at the public meeting. When a potential conflict is declared by a member for the public record, the following procedure must be followed:

- The chair states his or her determination regarding whether the member may participate.
- Any member may then object to the chair's determination.
- If an objection is made, the members present, excluding the member who made the disclosure, vote on the matter.
- *Exception:* A chair's determination that is made consistent with advice provided by the Attorney General may not be overruled.
- If the chair, or the members by majority vote, determines that a violation will exist if the disclosing member continues to participate, the member must refrain from voting, deliberating or participating in the matter.7

If the chair identifies a potential conflict, the same procedures are followed. If possible, the chair should forward a confidential written notice of potential violation to the Office of the Governor for a determination in advance of the board or commission meeting. If the declaration is first made at the public meeting during which the matter will be addressed, the members present, except for the chair, vote on the matter. If a majority determines that a violation of the Ethics Act will occur if the chair continues to participate, the chair shall refrain from voting, deliberating or participating in the matter. A written disclosure or copy of the public record regarding the oral disclosure should be forwarded to the Office of the Governor for review by the chair's DES.

Procedures for Other Member Disclosures

A member's interest in a state grant, contract, lease or loan and receipt of gifts are disclosed by filling out the appropriate disclosure form and submitting the form to the chair for approval. The disclosure forms are found on the Department of Law's ethics website.

What Are The Disclosure Procedures for Executive Directors and Staff?

Ethics disclosures of the executive director or staff are made in writing to the appropriate DES (chair for the executive director and the executive director for staff).

- Disclosure forms are found on the ethics website, noted above.

Notices of Potential Violations. Following receipt of a written notice of potential violation, the DES investigates, if necessary, and makes a written determination whether a violation of the Ethics Act could exist or will occur. A DES may seek advice from the Attorney General. If feasible, the DES shall reassign duties to cure a potential violation or direct divestiture or removal by the employee of the personal or financial interests giving rise to the potential violation.

- These disclosures are not required to be made part of the public record.
- A copy of a determination is provided to the employee.
- Both the notice and determination are confidential.

Other Disclosures. The DES also reviews other ethics disclosures and either approves them or determines what action must be taken to avoid a violation of the Act. In addition to the disclosures of certain gifts and interests in the listed state matters, state employees must disclose all outside employment or services for compensation.

- The DES must provide a copy of an approved disclosure or other determination the employee.

How Are Third Party Reports of Potential Violations or Complaints Handled?

Any person may report a potential violation of the Ethics Act by a board or commission member or its staff to the appropriate DES or file a complaint alleging actual violations with the Attorney General.

- Notices of potential violations and complaints must be submitted **in writing** and **under oath**.

- Notices of potential violations are investigated by the appropriate DES who makes a written determination whether a violation may exist.⁸
- Complaints are addressed by the Attorney General under separate procedures outlined in the Ethics Act.
- **These matters are confidential**, unless the subject waives confidentiality or the matter results in a public accusation.

What Are The Procedures for Quarterly Reports?

Designated ethics supervisors must submit copies of notices of potential violations received and the corresponding determinations to the Attorney General for review by the state ethics attorney as part of the quarterly report required by the Ethics Act.

- Reports are due in April, July, October and January for the preceding quarter.
- A sample report may be found on the Department of Law's ethics website.
- An executive director may file a quarterly report on behalf of the chair and combine it with his or her own report.
- If a board or commission does not meet during a quarter and there is no other reportable activity, the DES advises the Department of Law Ethics Attorney by e-mail at ethicsreporting@alaska.gov and no other report is required.

If the state ethics attorney disagrees with a reported determination, the attorney will advise the DES of that finding. If the ethics attorney finds that there was a violation, the member who committed the violation is not liable if he or she fully disclosed all relevant facts reasonably necessary to the ethics supervisor's or commission's determination and acted consistent with the determination.

How Does A DES or Board or Commission Get Ethics Advice?

A DES or board or commission may make a **written request** to the Attorney General for an opinion regarding the application of the Ethics Act. In practice, the Attorney General, through the state ethics attorney, also provides **advice by phone or e-mail** to designated ethics supervisors, especially when time constraints prevent the preparation of timely written opinions.

- A request for advice and the advisory opinion are confidential.
- The ethics attorney endeavors to provide prompt assistance, although that may not always be possible.
- The DES must make his or her determination addressing the potential violation based on the opinion provided.

It is the obligation of each board or commission member, as well as the staff, to ensure that the public's business is conducted in a manner that is consistent with the standards set out in the Ethics Act. We hope this summary assists you in ensuring that your obligations are met.

1 The Act covers a board, commission, authority, or board of directors of a public or quasi-public corporation, established by statute in the executive branch of state government.

2 The governor has delegated the DES responsibility to Guy Bell, Administrative Director of the Office of the Governor.

3 You may supplement the disclosure form with other written explanation as necessary. Your signature on a disclosure certifies that, to the best of your knowledge, the statements made are true, correct and complete. False statements are punishable.

4 In most, but not all, situations, refraining from participation ensures that a violation of the Ethics Act does not occur. Abstention does not cure a conflict with respect to a significant direct personal or financial interest in a state grant, contract, lease or loan because the Ethics Act prohibition applies whether or not the public officer actually takes official action.

5 The chair must give a copy of the written determination to the disclosing member. There is a determination form available on the Department of Law's ethics web page. The ethics supervisor may also write a separate memorandum.

6 In this manner, a member's detailed personal and financial information may be protected from public disclosure.

7 When a matter of particular sensitivity is raised and the ramifications of continuing without an advisory opinion from the Attorney General may affect the validity of the board or commission's action, the members should consider tabling the matter so that an opinion may be obtained.

8 The DES provides a copy of the notice to the employee who is the subject of the notice and may seek input from the employee, his or her supervisor and others. The DES may seek advice from the Attorney General. A copy of the DES' written determination is provided to the subject employee and the complaining party. The DES submits a copy of both the notice and the determination to the Attorney General for review as part of the DES' quarterly report. If feasible, the DES shall reassign duties to cure a potential violation or direct divestiture or removal by the employee of the personal or financial interests giving rise to the potential violation.

6/14

Department of Law attorney.general@alaska.gov P.O. Box 110300, Juneau, AK 99811-0300
 Phone: 907-465-3600 Fax: 907-465-2075 TTY: 907-258-9161
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Ethics Disclosure Form

CONFIDENTIAL REQUEST FOR ETHICS DETERMINATION

TO: _____, Designated Ethics Supervisor

(Identify Your Department, Agency, Public Corporation, Board, Commission)

I request advice regarding the application of the Executive Branch Ethics Act (AS 39.52.010 - .960) to my situation. The situation involves the following:

I have provided additional information in the attached document(s).

I believe the following provisions of the Ethics Act may apply to my situation:

- AS 39.52.120, Misuse of Official Position
- AS 39.52.130, Improper Gifts
- AS 39.52.140, Improper Use or Disclosure of Information
- AS 39.52.150, Improper Influence in State Grants, Contracts, Leases or Loans
- AS 39.52.160, Improper Representation
- AS 39.52.170, Outside Employment Restricted
- AS 39.52.180, Restrictions on Employment after Leaving State Service
- AS 39.52.190, Aiding a Violation Prohibited

I understand that I should refrain from taking any official action relating to this matter until I receive your advice. If the circumstances I described above may result in a violation of AS 39.52.110 - .190, I intend that this request serve as my disclosure of the matter in accordance with AS 39.52.210 or AS 39.52.220.

I certify to the best of my knowledge that my statement is true, correct, and complete. In addition to any other penalty or punishment that may apply, the submission of a false statement is punishable under AS 11.56.200 - AS 11.56.240.

(Signature)

(Date)

(Printed Name)

(Division, Board, Commission)

(Position Title)

(Location)

Designated Ethics Supervisor: Provide a copy of your written determination to the employee advising whether action is necessary under AS 39.52.210 or AS 39.52.220, and send a copy of the determination and disclosure to the attorney general with your quarterly report.

Ethics Disclosure Form

Receipt of Gift

TO: _____, Designated Ethics Supervisor, _____
(Agency, Public Corporation, Board, Commission or Council)

This disclosure reports receipt of a gift with value in excess of \$150.00 by me or my immediate family member, as required by AS 39.52.130(b) or (f).

- 1. Is the gift connected to my position as a state officer, employee or member of a state board or commission?
 Yes No
- 2. Can I take or withhold official action that may affect the person or entity that gave me the gift?
 Yes No

(If you answer "No" to both questions, you do not need to report this gift. If the answer to either question is "Yes," or if you are not sure, you must complete this form and provide it to your designated ethics supervisor.)

The gift is _____

Identify gift giver by full name, title, and organization or relationship, if any:

Describe event or occasion when gift was received or other circumstance explaining the reason for the gift:

My estimate of its value is \$ _____ The date of receipt was _____

The gift was received by a member of my family. Who? _____

If you checked "Yes" to question 2 above, explain the official action you may take that affects the giver (attach additional page, if necessary):

I certify to the best of my knowledge that my statement is true, correct, and complete. In addition to any other penalty or punishment that may apply, the submission of a false statement is punishable under AS 11.56.200 - AS 11.56.240.

(Signature)

(Date)

(Printed Name)

(Division)

(Position Title)

(Location)

Ethics Supervisor Determination: Approve Disapproved

Designated Ethics Supervisor*

(Date)

**Designated Ethics Supervisor: Provide a copy of the approval or disapproval to the employee. If action is necessary under AS 39.52.210 or AS 39.52.220, attach a determination stating the reasons and send a copy of the determination and disclosure to the attorney general with your quarterly report.*

**DEPARTMENT OF COMMERCE, COMMUNITY, AND ECONOMIC DEVELOPMENT
DIVISION OF CORPORATIONS, BUSINESS AND PROFESSIONAL LICENSING
BOARD OF BARBERS AND HAIRDRESSERS**

CONDENSED MINUTES OF THE MEETING HELD NOVEMBER 14, 2022.

By the authority of AS 08.01.070(2) and AS 08.86.030 and in compliance with the provisions of AS 44.62 Article 6, a scheduled meeting of the Board of Barbers and Hairdressers was held via teleconference/videoconference, November 14, 2022.

These are DRAFT minutes prepared by the staff of the Division of Corporation, Business and Professional Licensing. These minutes have not been reviewed or approved by the board.

Date:	November 14, 2022
Time:	9:00 a.m. - Noon
Location:	Zoom/Video Conference
Attending:	Sara Chambers, Director Michelle McMullin, Tina Taylor, Connie Dougherty, Kelsie McGraw, OLE Wanda Whitcomb, OLE Cynthia Spencer, Alison Osborne, Regulation Specialist
Absent:	N/A – Two board member vacancies

1. Agenda Item # 1 - Call to Order/Roll Call @ 9:03 a.m.	
Brief Discussion:	N/A
	Khitsana Sypanaphay not in attendance - joined at 9:08 a.m. – no ethics disclosures
2. Agenda Item # 2 - Review Agenda	
Brief Discussion:	Board reviewed agenda – no amendments.
Motion:	<i>Chair Michelle McMullen polled the board; hearing no disagreements the agenda was approved.</i>
3. Agenda Item # 3 - Ethics Disclosure	
Brief Discussion:	Board reviewed provided documentation. No violations to report
4. Agenda Item # 4 – Administrative Business: A. Review/Edit/Approve October 3, 2022, Meeting Minutes	
Brief Discussion:	Board reviewed October 3, 2022, meeting minutes. The board had no edits for staff.
Motion:	1 st Tina Taylor – 2 nd Connie Daugherty: Approve October 3, 2022, meeting minutes as written.

Recorded Votes:	Michelle McMullin	Tina Taylor
	Connie Dougherty	Kelsie McGraw
	Khitsana Sypakanphay	
Action Items:	OLE Spencer will load meeting minutes to DocuSign for signatures after the meeting concludes	
5. Agenda Item #5 – New Business: A. Legislative Guidance		
Brief Discussion:	<p>The board reviewed provided documentation. OLE’s Cynthia Spencer and Wanda Whitcomb offered one on one assistance with setting up a Bill Tracking Management Facility (BTMF) account if needed. OLE Spencer also informed the board that new 2022 guidance would be provided shortly, however the basic information would be the same.</p> <p>Chair McMullin asked if meetings and hearings were still be conducted via Zoom. OLE Spencer stated Zoom meetings were still occurring.</p> <p>Chair McMullin asked the board if they had any questions. Ms. Taylor stated the provided packet was helpful; no other board members had questions or statements.</p> <p>Chair McMullin urged board members to start working to find bill sponsors immediately so they could set up meetings, etc., prior to the February 2023 meeting.</p>	
5. Agenda Item #5 – New Business: B. Legislative Proposals i - v		
Brief Discussion:	<p>Chair McMullin reviewed previous legislative projects that had errors which affected licenses (i.e., barbers not being able to provide hair braiding); she urged all board members to review any proposed legislation carefully to avoid unnecessary issues. Chair McMullin stated a major point of this current project is to remove microneedling from the definition of tattooing. Ms. Taylor stated also adding back hair braiding to the barber licenses is also very important.</p> <p>Chair McMullin stated a focus of this legislative project is to remove limiting language currently in statute and allow the board regulatory authority to change training requirements, including hours, curriculums, and the options to obtain more training through apprenticeship programs.</p> <p>The board reviewed provided previous 2019, 2021, and 2022 proposed legislation, 2019 statute and regulation worksheet, and template letter to legislators. The board briefly discussed statutes limiting their ability to change hour requirements and curriculums; they also briefly discussed regulation changes.</p> <p>OLE Spencer reviewed previous manicuring legislation and requested the board to be mindful of allowing time for those looking to upgrade to a “nail technician” license as these individuals may need to submit/provide work experience and pass the National Nail</p>	

	<p>Technician written examination. OLE Spencer also asked the board to consider changing the 12-hour manicurist license to a “natural nails” only license, which would allow those licensees not interested in upgrading to a nail technician license to continue to provide services albeit limited.</p> <p>OLE Spencer also reminded the board that the written examinations are all computerized and to take into consideration the \$90.00 cost to licensees.</p> <p>OLE Spencer briefly reviewed regulation project process that would begin when proposed legislation was finalized. OLE Spencer informed the board that regulation projects would not begin until legislation was moving through its processes.</p> <p>OLE Whitcomb, reviewed the process of finding a sponsor for proposed bills and reminded the board that it is their responsibility to move legislation through its processes.</p> <p>Director Chambers agreed with OLE Whitcomb’s statement and urged the board to start moving on their projects and stated the board has done well on previous legislative audits, however, as these are public safety and imminent public safety concern issues which have been discussed for several years are not acted on, the next legislative audit may not go well. Director Chambers urged to board to commit to and coordinate their search for a bill sponsor as it would be better to have one sponsor working on the project rather than several sponsors in an effort to save time and resources.</p> <p>Chair McMullin asked the board if anyone wanted to volunteer to be lead on this project and work with her. Ms. Taylor stated she would work with Chair McMullin on these projects.</p> <p>Director Chambers reminded the board to be very clear in this meeting to their procedure for this project and she would be available to support the board.</p> <p>Director Chambers and Chair McMullin informed the board that the current election results would be certified November 23, 2022, so that would be a good date to start the bill sponsor search. Director Chambers informed the board that legislative committee members wouldn’t be finalized until mid-end January 2023 and recommended labor and commerce committees in the House or Senate would be the first place this bill would be heard.</p> <p>The board continued to briefly discuss proposed legislation and agreed that all items in the 2019, 2021, and 2022 proposed legislation, 2019 statute and regulation worksheets needed to move forward.</p>
Action Items:	<p>OLE Spencer will email the “letter to legislators” to all board members in Word so they could edit the letter as needed.</p> <p>Michelle McMullin and Tina Taylor will work together and be leads/main contacts for legislation projects.</p>

6. Agenda Item #6 – Old Business: A. Department of Law Memo Re: Lasers, Dermal Lights, Fibroblasting, Dermaplaning, Cryoskin, Microneedling, Microchanneling, Nanoneedling, and Crazy Hair

Brief Discussion:

Director Chambers reviewed the DOL Memo with the board and reminded the board that they had asked for assistance from DOL during their October 2022 meeting. Director Chambers informed the board that issues may be tied into updating statutes and regulations which will take time to update, however, in the short term this memo will assist the board in creating position statements advising licensees.

Director Chambers stated the DOL memo is somewhat confidential and only for the board’s information; this is not a document to share but could be used as a basis for their own memo or document. Director Chambers also stated that the board needs to take action as many of these issues have been under discussion for many years with the board taking no action; she urged to board to step up and do more than address these matters during meetings, action needs to happen, and information provided to licensees.

Director Chambers suggested the board work with the Medical and Nursing boards to create a matrix of services, license types, and who can provide specific services with and/or without supervision. The board and Director Chambers briefly discussed creating an “advanced/master” esthetician license which would allow a licensee to provide more advanced esthetic services.

The board continued to review and discussed the memo, addressed services, equipment, edits to drafted position statements, and enforcement/investigative processes.

Chair McMullin asked Kelsie McGraw to research other states licensing requirements of estheticians and report back to the board. Ms. McGraw agreed to start this project and report back to the board. Chair McMullin stated she had a few contacts with the Washington board she would forward onto Ms. McGraw. Chair McMullin stated she would be available to meet with Ms. McGraw to assist. Chair McMullin reminded the board that no more than two (2) board members could meet to discuss board business/projects outside of board meetings.

OLE Spencer reviewed statutes Sec 08.13.080 and 08.13.082 with the board; these are the statutes partially limiting training hour and curriculum changes.

Action Items:

Kelsie McGraw will research other state esthetician training and requirements. Ms. McGraw email staff information to be on the February 2023 meeting agenda

6. Agenda Item # 6 – Old Business: Position Statements

Brief Discussion:

The board discussed the memo provided by the Department of Law and drafted position statements.

The board discussed tattooists providing microblading and microneedling services. Khitsana Sypakanphay stated that microblading is considered tattooing as it deposits pigments into the skin.

	<p>OLE Spencer reminded the board that they had wanted to remove microblading from the tattooing definition of as the consensus was microblading was a permanent cosmetic colorist service.</p> <p>The board made the following motions.</p>	
<p>Motion:</p>	<p>1st Khitsana Sypakanphay, 2nd Connie Dougherty accept Position Statement Regarding Microneedling, Microchanneling, Nanoneedling, Skin Stamping, And Dermarollers as written:</p> <p><i>On January 1st, 2019, statutory change took effect, and the definition of tattooing was changed to include the terms microblading and microneedling. This statutory change was a result of SB4 which passed April 2018. The FDA released a formal statement on June 12th, 2018, announcing microneedling devices as a class II medical device to be used by or under the supervision of medical practitioners.</i></p> <p><i>Tattooing is currently defined as “the process by which the skin is marked or colored to form indelible marks, figures, or decorative designs for nonmedical purposes by inserting or ingraining an indelible pigment into or onto the skin, microblading, or microneedling.” However, the process of microneedling does not deposit pigment into the skin nor does it form an indelible mark. The microneedling process is not satisfied by the definition of tattooing. Furthermore, permanent cosmetic coloring, defined as tattooing “for the purpose of simulating hair and makeup” does not support microneedling as the microneedling procedure does not simulate hair or makeup, in addition to not forming or ingraining an indelible pigment into the skin.</i></p> <p><i>After extensive research it is the opinion of the board that microneedling, microchanneling, nanoneedling, skin stamping, and dermaroller services, or similar services that puncture the skin should not be performed by anyone licensed by this board nor should microneedling be included in the definition of tattooing.</i></p> <p><i>Thank you for understanding. If you have any questions, please reach out to the board and questions will be discussed by board members.</i></p>	
<p>Recorded Votes:</p>	<p>Tina Taylor</p>	<p>Khitsana Sypakanphay</p>
	<p>Michelle McMullin</p>	<p>Kelsie McGraw</p>
	<p>Connie Dougherty</p>	
<p>Motion</p>	<p>1st Tina Taylor, 2nd Kelsie McGraw accept the Crazy Hair position statement as written:</p> <p><i>The Alaska State Board of Barbers and Hairdressers wants you to be aware that getting your hair done at a festival may sound like fun but keep in mind that the practice of hairdressing in Alaska is licensed and regulated for health and sanitary reasons. Persons who make changes to the style, color, and/or texture of hair in this state for a fee require a license which indicates they have sufficient training and knowledge.</i></p> <p><i>Booths at a carnival, festival or fair are required to have a mobile shop license. In Alaska, hairdressers and shops are required to prominently post these licenses. Check that you see these licenses before you or your child get any services. If you have concerns, please contact the management of the event and the Investigative Unit at (907-) 465-8174 or investigations@alaska.gov.</i></p>	

Recorded Votes:	Connie Dougherty	Kelsie McGraw
	Michelle McMullin	Khitsana Sypakanphay
	Tina Taylor	
Motion:	<p>1st Tina Taylor, 2nd Connie Dougherty accept Position Statement Regarding Estheticians Providing Services at the Dermal Skin Layer As written</p> <p><i>The Board of Barbers & Hairdressers met November 14, 2022 and made the following statement addressing estheticians providing services that go below the dermal layer of skin.</i></p> <p><i>Estheticians may provide services that does not go below the dermal layer of skin.</i></p> <p><i>In accordance with Alaska statute 08.13.220(5) "esthetics" means the use of the hands, appliances, cosmetic preparations, antiseptics, or lotions in massaging, cleansing, stimulating, or similar work on the scalp, face, or neck, including skin care, make-up, and temporary removal of superfluous hair, for cosmetic purposes for a fee.</i></p> <p><i>Thank you for understanding. If you have any questions, please reach out to the board and questions will be discussed by board members.</i></p>	
Recorded Votes:	Connie Dougherty	Kelsie McGraw
	Michelle McMullin	Khitsana Sypakanphay
	Tina Taylor	

Next Meeting:	February 27 – 28, 2023
Adjournment:	11:49 a.m.

Respectfully submitted:

Cynthia Spencer, Licensing Examiner

Approved:

Michelle McMullin, Chairperson
Board of Barbers and Hairdressers

Date: _____



2023 Legislative Guidance for CBPL Board & Commission Members

As a member of a professional licensing board or commission, you have considerable latitude—as well as responsibility—to recommend changes to your licensing program’s enabling statutes. Members of the public, consumers, other professionals, and your industry’s association confidently approach members of the legislature to affect the change they wish to see in your practice. Whether taking the initiative or reacting to an “active” bill, board members also need to be prepared to champion their cause!

THE OPEN MEETINGS ACT ALWAYS APPLIES

AS 44.62.310(h) provides detailed definitions of "governmental body," "meeting," and "public entity" that, when combined, define what constitutes a public meeting. A meeting of a decision or policy-making body occurs when more than three members or a majority of the members, whichever is less, engage collectively in discussion of a subject on which the body is authorized to act and set policy and is therefore subject to the Open Meetings Act. Under this definition, it doesn't matter where the meeting occurs, if it was prearranged, or who arranged it and could include unplanned casual or social contact in any location, including the office of a legislator or an industry gathering.

Members of boards and commissions should take care not to conduct business over email, lest the public be removed from the process. Board members should not email each other about board business; if a special meeting is needed, a member can alert staff and a meeting can be arranged and publicly noticed. Remember, all board member email correspondence is discoverable, and your board business is also the public’s business.

This information is contained in the *CBPL Guide to Excellence in Regulation*. Board members are provided a bound copy of this guidance manual; however, if you need another copy, you may download it here:

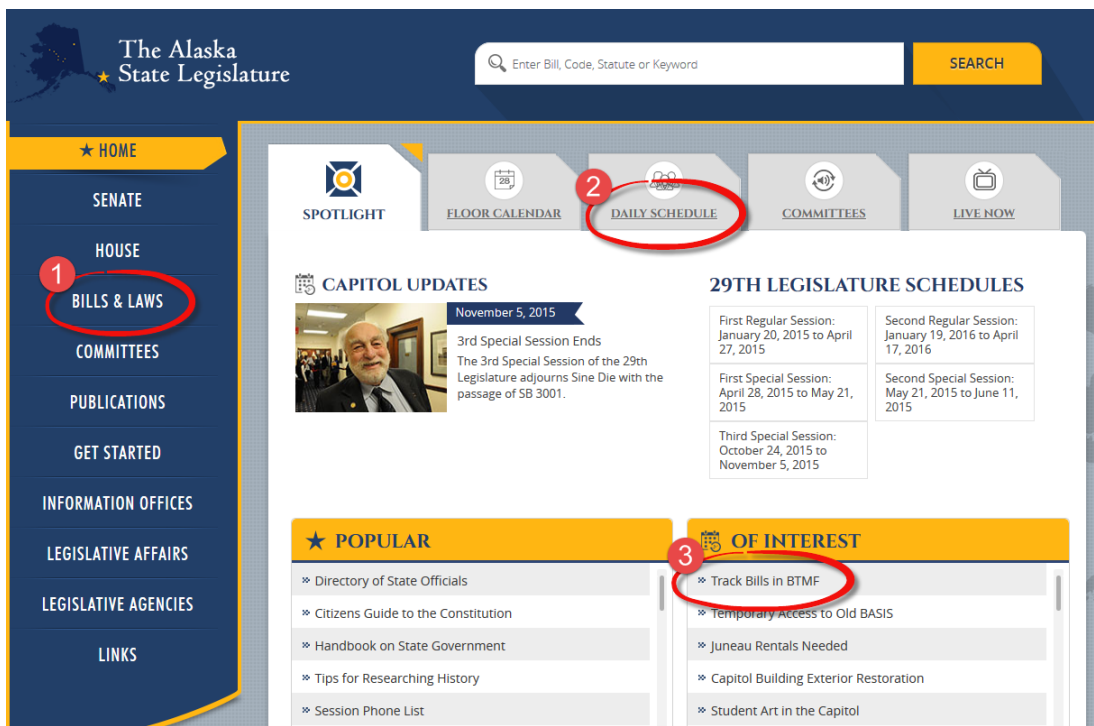
https://www.commerce.alaska.gov/web/Portals/5/pub/CBPL_Board.Commission.Guide.pdf.

BE INFORMED: IF NOT YOU, THEN WHO?

- Ahead of legislative session, select on the record a member who will serve as the point person for legislative activity. In the absence of this person, the division will look to the chair of the board for input and interpretation. If the board is championing a piece of legislation, a history of the meeting minutes reflecting the issues and board’s perspective should be compiled by this leader and made available to board members and division management, who will be at every hearing. This research and history will be especially helpful to new board members who are appointed.
- When a bill is filed, division management will alert program staff. The examiner or executive should ensure that their board members are made aware of legislation that is filed that will affect them. With sometimes hundreds of bills to track, analyze, and testify on, division management may not be able to keep the board apprised of

every late-breaking detail. Division management will periodically send updates to staff regarding legislation or request discussion with the board.

- However, it is up to board membership to track the progress of a bill the board is interested in, to call in to testify as desired by the board, submit support or opposition letters as determined by the board, etc. The division will do its best to inform members of scheduled hearings as a courtesy, but board members should utilize the tools identified below to track hearings as well.
- Know where to find your bill using the Alaska State Legislature’s website (also known as BASIS): akleg.gov
 1. The **BILLS & LAWS** section on the sidebar links to a searchable list of documents. If you know the bill number, you can search using the bar at the top of the screen.
 2. The **DAILY SCHEDULE** shows all committee activity for the day you choose. It is subject to change, but it is a good starting place to see what is happening where.
 3. The **BTMF**—or Bill Tracking Management Facility – is your best friend when trying to keep up with a bill. Take the time to set up your profile and register the bill you want to track, then you will receive email updates when its status changes or is scheduled for a hearing.



GUIDELINES FOR BOARD MEMBER TESTIMONY

- Encourage the board to become engaged: Track the bill online, participate in hearings, write a letter supporting the board’s official position, and discuss the legislation in a public meeting. It is a best practice for organizations to speak with “one voice.” Any testimony or correspondence by a board member on behalf of a board must represent deliberation and action taken on the record in a public meeting.
- Staff may not express opinions on behalf of the board or discuss legislation with elected officials without prior arrangements with division management and clearance from the Governor’s Legislative Office. If the board has published a resolution or letter regarding the legislation as a result of a vote at a public meeting, staff may provide that document to legislators per department procedures.

- If a board has voted to pursue legislation, this must be an effort by the board membership. Staff cannot participate or assist (aside from providing guidance as needed) unless pre-approved by the Commissioner’s Office and Governor’s Legislative Office. This is because division staff – whether it be the Director, Deputy Director, an Executive Administrator, Licensing Examiner, or other – represent the Governor in the eyes of the Legislature.
- Individual board members may offer their personal or professional opinions on the legislation by clarifying that while they are appointed to a board, they do not speak on behalf of the board.
- Boards must provide a member to testify telephonically (or in person, if in Juneau) at every hearing when being considered for reauthorization per AS 08.03. Without member interest and advocacy for the board or commission’s continuation, it is possible that the sponsor could withdraw the bill and the board could sunset.
- The chair or elected board spokesperson should be prepared to answer questions posed by staff or legislators, testify telephonically (or in person, if in Juneau) on bills that require subject matter expertise or upon request, and otherwise be available on short notice to engage in this process.
- Be sure to differentiate the state licensing board from the industry association. Sometimes, they share the same goals. Sometimes, they do not. Legislators must keep track of a lot of names and organizations, so be sure that you are clear that you represent the State of Alaska.
- Nervous? Don’t worry! Please email or call the division Director or Deputy Director to discuss tips or even run through some potential questions/roleplay.

LEGISLATIVE TESTIMONY CALL-IN DO’S AND DON’TS

- **Do** use the streaming video available on the “Live Now” tab on akleg.gov or Gavel Alaska (ktoo.org/gavel) to watch for your bill to come up. The chairman will announce the order of bills at the beginning of the meeting. Callers may be disconnected from the meeting if they call in prior to their bill being taken up.
 - If video streaming is not an option for you, please contact the committee aide to make arrangements to call in early.
 - Once the bill is before the committee, call 844-586-9085, 844-563-9085, 907-586-9085, or 907-563-9085. Give your name, the bill number, and ask to be connected to the _____ Committee.
- **Do not** call in before the bill you are testifying on comes before the committee.
- **Do not** call in for a hearing if you simply want to listen – utilize the streaming video as noted above.
- **Do** use the “mute” function of your phone until called on to testify. If this function is not available on your phone, ask the Legislative Information Office (LIO) moderator to mute your call.
- **Do not** use the “hold” function.
- **Do** try to be in a quiet room without distractions or interruptions. Please treat the important responsibility of testifying with utmost respect and professionalism.
- **Do** remember that everything transmitted over your phone will be broadcast directly into the meeting room and recorded to become part of the permanent record.

- **Do** remember to be in a location with good reception if using a cell phone. Disruptions coming into the meeting via the phone lines will result in all callers being disconnected from the system. This will require testifiers to call back to be reconnected. Turn off your computer or TV speakers if listening online so you do not create an audio “loop.”
- **Do** try to adhere to time limits imposed by the chairman.
- **Do** feel comfortable referring a question to the division if it’s related to a day-to-day administrative matter or the fiscal note provided for a bill.

Remember: There are a limited number of phone lines coming into the Capitol. These lines are also used by LIOs around the state. When all the phone lines are used up, an LIO may not be able to call in with a room full of people.

DIVISION CONTACT INFORMATION:

You can always route questions through the staff to your boards. However, if you have an urgent matter that requires you contact division management quickly:

- CBPL Director – Sylvan Robb: sylvan.robbs@alaska.gov, (907) 465-2524, or (907) 419-7678
- CBPL Deputy Director – Glenn Saviers: glenn.saviers@alaska.gov or (907) 465-2691

Division management is often in meetings or hearings throughout the day during legislative session, so email may sometimes be the quickest way to get a response. If you opt to call, make sure to leave a voicemail and consider following up with an email. Please do understand that while management will get back to you as quickly as possible, they may not always be able to get back to you the same day.

Department of Commerce Community, and Economic Development
Corporations, Business and Professional Licensing

Summary of All Professional Licensing
Schedule of Revenues and Expenditures

Board of Barbers and Hairdressers	FY 16	FY 17	Biennium	FY 18	FY 19	Biennium	FY 20	FY 21	Biennium	FY 22	FY 23 1st QTR
	Revenue										
Revenue from License Fees	\$ 1,058,351	\$ 302,163	\$ 1,360,514	\$ 1,210,958	\$ 439,932	\$ 1,650,890	\$ 1,034,860	\$ 389,183	\$ 1,424,043	\$ 1,035,686	\$ 84,890
General Fund Received								\$ -	\$ -	\$ 21,523	\$ -
Allowable Third Party Reimbursements	-	-	-	-	-	-	\$ -	\$ -	\$ -	\$ -	\$ -
TOTAL REVENUE	\$ 1,058,351	\$ 302,163	\$ 1,360,514	\$ 1,210,958	\$ 439,932	\$ 1,650,890	\$ 1,034,860	\$ 389,183	\$ 1,424,043	\$ 1,057,209	\$ 84,890
Expenditures											
Non Investigation Expenditures											
1000 - Personal Services	178,867	147,452	326,319	190,824	195,815	386,639	187,928	154,229	342,157	177,685	37,571
2000 - Travel	9,766	7,021	16,787	10,451	6,127	16,578	2,521	-	2,521	2,862	-
3000 - Services	63,413	47,627	111,040	59,241	58,111	117,352	44,123	39,463	83,586	29,742	1,863
4000 - Commodities	584	225	809	300	193	493	-	-	-	-	-
5000 - Capital Outlay	-	-	-	-	-	-	-	-	-	-	-
Total Non-Investigation Expenditures	252,630	202,325	454,955	260,816	260,246	521,062	234,572	193,692	428,264	210,289	39,434
Investigation Expenditures											
1000-Personal Services	104,502	121,275	225,777	108,332	126,521	234,853	163,905	87,573	251,478	97,978	31,003
2000 - Travel							723	-	723	-	-
3023 - Expert Witness	-	-	-	-	-	-	-	-	-	-	-
3088 - Inter-Agency Legal	-	9,037	9,037	1,425	1,489	2,914	558	288	846	8,185	-
3094 - Inter-Agency Hearing/Mediation	-	480	480	-	868	868	-	-	-	3,624	-
3000 - Services other					481	481	757	81	838	241	-
4000 - Commodities							-	-	-	-	-
Total Investigation Expenditures	104,502	130,792	235,294	109,757	129,359	239,116	165,943	87,942	253,885	110,028	31,003
Total Direct Expenditures	357,132	333,117	690,249	370,573	389,605	760,178	400,515	281,634	682,149	320,317	70,437
Indirect Expenditures											
Internal Administrative Costs	241,144	179,826	420,970	205,071	177,867	382,938	217,172	164,610	381,782	196,546	49,137
Departmental Costs	65,766	100,523	166,289	104,226	96,684	200,910	76,526	60,003	136,529	71,313	17,828
Statewide Costs	18,664	28,391	47,055	33,433	34,066	67,499	46,351	33,188	79,539	34,649	8,662
Total Indirect Expenditures	325,574	308,740	634,314	342,730	308,617	651,347	340,049	257,801	597,850	302,508	75,627
TOTAL EXPENDITURES	\$ 682,706	\$ 641,857	\$ 1,324,563	\$ 713,303	\$ 698,222	\$ 1,411,525	\$ 740,564	\$ 539,435	\$ 1,279,999	\$ 622,825	\$ 146,064
Cumulative Surplus (Deficit)											
Beginning Cumulative Surplus (Deficit)	\$ 166,743	\$ 542,388		\$ 202,694	\$ 700,349		\$ 442,059	\$ 736,355		\$ 586,103	\$ 1,020,487
Annual Increase/(Decrease)	375,645	(339,694)		497,655	(258,290)		294,296	(150,252)		434,384	(61,174)
Ending Cumulative Surplus (Deficit)	\$ 542,388	\$ 202,694		\$ 700,349	442,059		\$ 736,355	\$ 586,103		\$ 1,020,487	\$ 959,313
Statistical Information											
Number of Licenses for Indirect calculation	7,691	7,767		8,514	6,784		7,460	6,956		7,507	
Additional information:	<ul style="list-style-type: none"> • Fee analysis required if the cumulative is less than zero; fee analysis recommended when the cumulative is less than current year expenditures; no fee increases needed if cumulative is over the current year expenses * • Most recent fee change: New fee added FY19 • Annual license fee analysis will include consideration of other factors such as board and licensee input, potential investigation load, court cases, multiple license and fee types under one program, and program c 										

Appropriation Name (Ex)	(Multiple Items)
Sub Unit	(All)
PL Task Code	BAH1

Sum of Budgetary Expenditures Object Name (Ex)	Object Type Name (Ex)		Grand Total
	1000 - Personal Services	3000 - Services	
1011 - Regular Compensation	33,952.68		33,952.68
1014 - Overtime	97.76		97.76
1023 - Leave Taken	8,011.74		8,011.74
1028 - Alaska Supplemental Benefit	2,582.28		2,582.28
1029 - Public Employee's Retirement System Defined Benefits	5,627.42		5,627.42
1030 - Public Employee's Retirement System Defined Contribution	1,025.86		1,025.86
1034 - Public Employee's Retirement System Defined Cont Health Reim	643.90		643.90
1035 - Public Employee's Retirement Sys Defined Cont Retiree Medical	212.96		212.96
1037 - Public Employee's Retirement Sys Defined Benefit Unfnd Liab	2,916.76		2,916.76
1040 - Group Health Insurance	10,855.65		10,855.65
1042 - Worker's Compensation Insurance	336.53		336.53
1047 - Leave Cash In Employer Charge	1,472.97		1,472.97
1048 - Terminal Leave Employer Charge	168.25		168.25
1053 - Medicare Tax	592.45		592.45
1077 - ASEA Legal Trust	51.42		51.42
1079 - ASEA Injury Leave Usage	16.56		16.56
1080 - SU Legal Trst	9.58		9.58
3001 - Test Monitor/Proctor		212.50	212.50
3044 - Courier		374.47	374.47
3046 - Advertising		45.45	45.45
3979 - Inter-Agency Management/Consulting		1,230.15	1,230.15
Grand Total	68,574.77	1,862.57	70,437.34

Department of Commerce Community, and Economic Development
Corporations, Business and Professional Licensing

Summary of All Professional Licensing
Schedule of Revenues and Expenditures

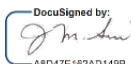
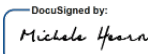
Board of Barbers and Hairdressers	FY 16	FY 17	Biennium	FY 18	FY 19	Biennium	FY 20	FY 21	Biennium	FY 23	
										FY 22	1st & 2nd QTR
Revenue											
Revenue from License Fees	\$ 1,058,351	\$ 302,163	\$ 1,360,514	\$ 1,210,958	\$ 439,932	\$ 1,650,890	\$ 1,034,860	\$ 389,183	\$ 1,424,043	\$ 1,035,686	\$ 151,670
General Fund Received								\$ -	\$ -	\$ 21,523	\$ -
Allowable Third Party Reimbursements	-	-	-	-	-	-	\$ -	\$ -	\$ -	\$ -	\$ -
TOTAL REVENUE	\$ 1,058,351	\$ 302,163	\$ 1,360,514	\$ 1,210,958	\$ 439,932	\$ 1,650,890	\$ 1,034,860	\$ 389,183	\$ 1,424,043	\$ 1,057,209	\$ 151,670
Expenditures											
Non Investigation Expenditures											
1000 - Personal Services	178,867	147,452	326,319	190,824	195,815	386,639	187,928	154,229	342,157	177,685	82,583
2000 - Travel	9,766	7,021	16,787	10,451	6,127	16,578	2,521	-	2,521	2,862	-
3000 - Services	63,413	47,627	111,040	59,241	58,111	117,352	44,123	39,463	83,586	29,742	12,403
4000 - Commodities	584	225	809	300	193	493	-	-	-	-	-
5000 - Capital Outlay	-	-	-	-	-	-	-	-	-	-	-
Total Non-Investigation Expenditures	252,630	202,325	454,955	260,816	260,246	521,062	234,572	193,692	428,264	210,289	94,986
Investigation Expenditures											
1000-Personal Services	104,502	121,275	225,777	108,332	126,521	234,853	163,905	87,573	251,478	97,978	70,196
2000 - Travel							723	-	723	-	-
3023 - Expert Witness	-	-	-	-	-	-	-	-	-	-	-
3088 - Inter-Agency Legal	-	9,037	9,037	1,425	1,489	2,914	558	288	846	8,185	-
3094 - Inter-Agency Hearing/Mediation	-	480	480	-	868	868	-	-	-	3,624	-
3000 - Services other					481	481	757	81	838	241	149
4000 - Commodities							-	-	-	-	-
Total Investigation Expenditures	104,502	130,792	235,294	109,757	129,359	239,116	165,943	87,942	253,885	110,028	70,345
Total Direct Expenditures	357,132	333,117	690,249	370,573	389,605	760,178	400,515	281,634	682,149	320,317	165,331
Indirect Expenditures											
Internal Administrative Costs	241,144	179,826	420,970	205,071	177,867	382,938	217,172	164,610	381,782	196,546	98,273
Departmental Costs	65,766	100,523	166,289	104,226	96,684	200,910	76,526	60,003	136,529	71,313	35,657
Statewide Costs	18,664	28,391	47,055	33,433	34,066	67,499	46,351	33,188	79,539	34,649	17,325
Total Indirect Expenditures	325,574	308,740	634,314	342,730	308,617	651,347	340,049	257,801	597,850	302,508	151,255
TOTAL EXPENDITURES	\$ 682,706	\$ 641,857	\$ 1,324,563	\$ 713,303	\$ 698,222	\$ 1,411,525	\$ 740,564	\$ 539,435	\$ 1,279,999	\$ 622,825	\$ 316,586
Cumulative Surplus (Deficit)											
Beginning Cumulative Surplus (Deficit)	\$ 166,743	\$ 542,388		\$ 202,694	\$ 700,349		\$ 442,059	\$ 736,355		\$ 586,103	\$ 1,020,487
Annual Increase/(Decrease)	375,645	(339,694)		497,655	(258,290)		294,296	(150,252)		434,384	(164,916)
Ending Cumulative Surplus (Deficit)	\$ 542,388	\$ 202,694		\$ 700,349	442,059		\$ 736,355	\$ 586,103		\$ 1,020,487	\$ 855,571
Statistical Information											
Number of Licenses for Indirect calculation	7,691	7,767		8,514	6,784		7,460	6,956		7,507	
Additional information:	<ul style="list-style-type: none"> • Fee analysis required if the cumulative is less than zero; fee analysis recommended when the cumulative is less than current year expenditures; no fee increases needed if cumulative is over the current year expenses * • Most recent fee change: New fee added FY19 • Annual license fee analysis will include consideration of other factors such as board and licensee input, potential investigation load, court cases, multiple license and fee types under one program, and program c 										

Appropriation Name (Ex)	(Multiple Items)
Sub Unit	(All)
PL Task Code	BAH1

Sum of Budgetary Expenditures Object Name (Ex)	Object Type Name (Ex)		Grand Total
	1000 - Personal Services	3000 - Services	
1011 - Regular Compensation	74,815.41		74,815.41
1014 - Overtime	227.19		227.19
1023 - Leave Taken	16,729.92		16,729.92
1028 - Alaska Supplemental Benefit	5,635.52		5,635.52
1029 - Public Employee's Retirement System Defined Benefits	12,131.99		12,131.99
1030 - Public Employee's Retirement System Defined Contribution	2,277.74		2,277.74
1034 - Public Employee's Retirement System Defined Cont Health Reim	1,436.87		1,436.87
1035 - Public Employee's Retirement Sys Defined Cont Retiree Medical	471.35		471.35
1037 - Public Employee's Retirement Sys Defined Benefit Unfnd Liab	6,432.24		6,432.24
1040 - Group Health Insurance	26,861.54		26,861.54
1042 - Worker's Compensation Insurance	734.95		734.95
1047 - Leave Cash In Employer Charge	2,917.01		2,917.01
1048 - Terminal Leave Employer Charge	662.90		662.90
1053 - Medicare Tax	1,283.32		1,283.32
1077 - ASEA Legal Trust	126.35		126.35
1079 - ASEA Injury Leave Usage	16.56		16.56
1080 - SU Legal Trst	19.05		19.05
3001 - Test Monitor/Proctor		2,030.50	2,030.50
3002 - Memberships		200.00	200.00
3035 - Long Distance		9.98	9.98
3036 - Local/Equipment Charges		3.77	3.77
3044 - Courier		1,132.23	1,132.23
3045 - Postage		156.54	156.54
3046 - Advertising		134.06	134.06
3085 - Inter-Agency Mail		3,218.98	3,218.98
3979 - Inter-Agency Management/Consulting		5,665.32	5,665.32
Grand Total	152,779.91	12,551.38	165,331.29



MEMORANDUM

DATE: February 06, 2023
 TO: Board of Barbers & Hairdressers
 THRU: Greg Francois, Chief Investigator 
 FROM: Michele Hearn, Investigator 
 RE: Investigative Report for the February 27, 2023 Meeting

The following information was compiled as an investigative report to the Board for the period of September 16, 2022 thru February 06, 2023; this report includes cases, complaints, and intake matters handled since the last report.

Matters opened by the Paralegals in Anchorage and Juneau, regarding continuing education audits and license action resulting from those matters are covered in this report.

OPEN - 60

<u>Case Number</u>	<u>Violation Type</u>	<u>Case Status</u>	<u>Status Date</u>
APPRENTICE			
2021-001215	Violation of licensing regulation	Complaint	12/08/2021
BARBER			
2022-000053	Unlicensed practice or activity	Complaint	04/06/2022
2022-000448	Unlicensed practice or activity	Complaint	05/16/2022
2020-000385	Unlicensed practice or activity	Investigation	07/06/2021
ESTHETICIAN			
2021-001152	Unlicensed practice or activity	Complaint	11/23/2021
2022-000154	Unlicensed practice or activity	Complaint	02/18/2022

2022-000223	Unlicensed practice or activity	Complaint	03/22/2022
2022-000246	Practice beyond scope	Complaint	03/17/2022
2022-000453	Unlicensed practice or activity	Complaint	05/23/2022
2022-000513	Compliance Inspection	Complaint	08/23/2022
2022-000249	Unlicensed practice or activity	Investigation	06/22/2022
2022-000296	Practice beyond scope	Investigation	10/24/2022
2022-000570	Violation of licensing regulation	Investigation	02/01/2023
2022-000889	Unlicensed practice or activity	Investigation	01/18/2023
2022-000890	Unlicensed practice or activity	Investigation	01/18/2023
2022-000891	Unlicensed practice or activity	Investigation	01/18/2023
2022-000892	Unlicensed practice or activity	Investigation	01/18/2023

HAIRDRESSER

2022-001195	Unlicensed practice or activity	Intake	12/27/2022
2022-000451	Unlicensed practice or activity	Complaint	05/27/2022
2022-000565	Violation of licensing regulation	Complaint	06/22/2022
2022-000820	Unlicensed practice or activity	Complaint	11/29/2022
2023-000045	Unlicensed practice or activity	Complaint	01/12/2023
2020-000277	Unlicensed practice or activity	Investigation	07/06/2021
2021-000676	Unlicensed practice or activity	Investigation	08/31/2022
2022-000338	Practice beyond scope	Investigation	09/20/2022

INSTRUCTOR

2021-000531	Violation of licensing regulation	Investigation	08/30/2022
2022-000273	Unlicensed practice or activity	Investigation	01/18/2023

SCHOOL

2021-000860	Unlicensed practice or activity	Complaint	05/16/2022
2021-000883	Unlicensed practice or activity	Complaint	05/16/2022
2021-000550	Violation of licensing regulation	Investigation	01/23/2023
2021-001088	Violation of licensing regulation	Investigation	01/23/2023
2022-000149	Violation of licensing regulation	Investigation	01/23/2023

SHOP OWNER

2023-000109	Violation of licensing regulation	Intake	02/01/2023
2021-000262	Unlicensed practice or activity	Complaint	04/05/2021
2021-000884	Violation of licensing regulation	Complaint	09/21/2021
2021-000959	Unlicensed practice or activity	Complaint	09/28/2021
2021-001142	Unlicensed practice or activity	Complaint	05/17/2022
2022-000069	Unlicensed practice or activity	Complaint	05/17/2022
2022-000071	Unlicensed practice or activity	Complaint	01/21/2022
2022-000153	Unlicensed practice or activity	Complaint	02/12/2022
2022-000314	Violation of licensing regulation	Complaint	08/22/2022
2022-000388	Unlicensed practice or activity	Complaint	08/03/2022
2022-000466	Unlicensed practice or activity	Complaint	06/01/2022
2022-000566	Unlicensed practice or activity	Complaint	06/22/2022
2022-000572	Violation of licensing regulation	Complaint	06/22/2022
2022-000808	Unlicensed practice or activity	Complaint	08/29/2022
2022-000816	Unethical conduct	Complaint	08/31/2022
2022-000817	Unlicensed practice or activity	Complaint	08/31/2022
2023-000025	Unlicensed practice or activity	Complaint	01/11/2023
2023-000044	Violation of licensing regulation	Complaint	01/30/2023
2020-000735	Unlicensed practice or activity	Investigation	11/30/2020
2022-000208	License application problem	Investigation	02/02/2023
2023-000108	Compliance Inspection	Division Inspection	

**TATTOOING AND PERMANENT
COSMETIC COLORING**

2022-000931	Unlicensed practice or activity	Complaint	11/22/2022
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TATTOOIST

2022-000189	Violation of licensing regulation	Complaint	03/12/2022
2022-000291	Unlicensed practice or activity	Complaint	08/22/2022
2022-000736	Violation of licensing regulation	Complaint	08/05/2022
2022-000821	Unlicensed practice or activity	Complaint	12/21/2022

2022-000362	Unlicensed practice or activity	Investigation	09/14/2022
2022-000415	Unlicensed practice or activity	Investigation	11/14/2022

Closed - 48

<u>Case #</u>	<u>Violation Type</u>	<u>Case Status</u>	<u>Closed</u>	<u>Closure</u>
BARBER				
2022-000469	Unlicensed practice or activity	Closed-Intake	10/05/2022	Other (See Abstract)
2022-000842	Unlicensed practice or activity	Closed-Intake	10/06/2022	Incomplete Complaint
ESTHETICIAN				
2022-000913	Unlicensed practice or activity	Closed-Intake	11/03/2022	Incomplete Complaint
2022-000191	Practice beyond scope	Closed-Complaint	01/23/2023	No Action - Lack of Jurisdiction
2022-000245	Practice beyond scope	Closed-Complaint	01/03/2023	No Action - No Violation
2022-000574	Violation of licensing regulation	Closed-Complaint	02/01/2023	No Action - No Violation
2021-001178	Unlicensed practice or activity	Closed-Investigation	01/24/2023	Advisement Letter
2022-000205	License application problem	Closed-Investigation	01/23/2023	Advisement Letter
2022-000340	Violation of licensing regulation	Closed-Investigation	01/18/2023	Advisement Letter
2022-000341	Violation of licensing regulation	Closed-Investigation	01/23/2023	Advisement Letter
2022-000569	Violation of licensing regulation	Closed-Investigation	12/19/2022	Advisement Letter
HAIRDRESSER				
2022-001091	Violation of licensing regulation	Closed-Intake	12/19/2022	Incomplete Complaint
2022-001107	Unlicensed practice or activity	Closed-Intake	12/27/2022	Incomplete Complaint
2022-000047	Unlicensed practice or activity	Closed-Investigation	01/24/2023	Advisement Letter
INSTRUCTOR				
2022-000669	Violation of licensing regulation	Closed-Intake	11/18/2022	No Action - Lack of Jurisdiction

2021-001031	Violation of licensing regulation	Closed-Investigation	10/19/2022	Advisement Letter
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2022-000583	Violation of licensing regulation	Closed-Investigation	01/30/2023	Advisement Letter
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MANICURIST

2021-000814	Unlicensed practice or activity	Closed-Investigation	01/24/2023	Advisement Letter
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2021-000815	Unlicensed practice or activity	Closed-Investigation	01/24/2023	Advisement Letter
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2022-000331	Unlicensed practice or activity	Closed-Investigation	12/06/2022	Advisement Letter
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NAIL TECHNICIAN

2022-000454	Unlicensed practice or activity	Closed-Investigation	01/23/2023	Advisement Letter
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SCHOOL

2022-000822	Unlicensed practice or activity	Closed-Intake	12/15/2022	Incomplete Complaint
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SHOP OWNER

2022-000903	Violation of licensing regulation	Closed-Intake	12/27/2022	Incomplete Complaint
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2022-001123	Violation of licensing regulation	Closed-Intake	01/31/2023	Incomplete Complaint
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2021-000786	Violation of licensing regulation	Closed-Complaint	10/05/2022	No Action - No Violation
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2021-001107	Unlicensed practice or activity	Closed-Complaint	12/20/2022	No Action - No Violation
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2022-000009	Violation of licensing regulation	Closed-Complaint	12/29/2022	No Action - No Violation
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2022-000065	Violation of licensing regulation	Closed-Complaint	02/01/2023	No Action - No Violation
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2022-000904	Unlicensed practice or activity	Closed-Complaint	01/18/2023	No Action - No Violation
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2022-000912	Unlicensed practice or activity	Closed-Complaint	01/18/2023	No Action - Insufficient Evidence
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2021-001146	Unlicensed practice or activity	Closed-Investigation	12/05/2022	Advisement Letter
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2022-000122	Unlicensed practice or activity	Closed-Investigation	01/26/2023	Advisement Letter
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2022-000412	Unlicensed practice or activity	Closed-Investigation	01/31/2023	Advisement Letter
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2022-000582	Unlicensed practice or activity	Closed-Investigation	01/23/2023	Advisement Letter
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2022-000751	Unlicensed practice or activity	Closed-Investigation	01/18/2023	Advisement Letter
2023-000024	Compliance Inspection	Closed-Division Inspection	01/11/2023	
2023-000043	Compliance Inspection	Closed-Division Inspection	01/26/2023	Closed - Case Opened
2023-000049	Compliance Inspection	Closed-Division Inspection	01/18/2023	Compliance
2023-000069	Compliance Inspection	Closed-Division Inspection	01/26/2023	Compliance

TATTOOING AND PERMANENT COSMETIC COLORING

2020-001041	Unlicensed practice or activity	Closed-Investigation	11/21/2022	Advisement Letter
2021-001324	Unlicensed practice or activity	Closed-Investigation	10/10/2022	Advisement Letter

TATTOOIST

2022-000813	Unlicensed practice or activity	Closed-Intake	10/04/2022	Incomplete Complaint
2022-000814	Unlicensed practice or activity	Closed-Intake	10/10/2022	Incomplete Complaint
2022-000020	Unlicensed practice or activity	Closed-Complaint	12/13/2022	No Action - No Violation
2022-000339	Unlicensed practice or activity	Closed-Complaint	01/23/2023	No Action - No Violation
2021-001151	Unlicensed practice or activity	Closed-Investigation	10/19/2022	Advisement Letter
2022-000414	Unlicensed practice or activity	Closed-Investigation	12/08/2022	Advisement Letter
2022-000523	Unlicensed practice or activity	Closed-Investigation	10/13/2022	Advisement Letter

END OF REPORT



PROBATION REPORT

DATE: February 14, 2022
TO: Board of Barbers and Hairdressers
THRU: Jennifer Summers, Senior Investigator DocuSigned by: Jennifer Summers
FROM: Katrina Eldred, Probation Monitor DocuSigned by: Katrina Eldred
SUBJECT: Probation Report for the February 27, 2023 Board Meeting

The following is a complete list of individuals on probation for this Board. There are currently **three (3)** individuals being monitored on probation. **One (1)** was released from probation since the last report. Individuals **non-compliant** or on **“hold”** with their probation are noted next to **“**”** with explanations listed below

<u>NAME</u>	<u>Case Number</u>	<u>Probation Start</u>	<u>Probation End</u>
**Saeed McKoy	2019-001074	08/20/2019	Lapsed
**Elijah Young	2020-001049	10/06/2020	Suspended
**Dennis Millhouse	2020-000109	01/25/2022	01/25/2024

RELEASE FROM PROBATION:

<u>NAME</u>	<u>Case Number</u>	<u>Probation Start</u>	<u>Probation End</u>
Isidoro Martinez envisions International, LLC	2020-000954	10/06/20	01/19/2023

SPECIAL NOTES:

- **Saeed McKoy**- Barber Temporary license #HADB11794 lapsed 12/15/2022. Renewal application was denied.
- **Elijah Young**- Esthetician license #HADDC19515 was suspended on 4/1/2022, and the full civil fine of \$7,000 was invoked. She has made payments totaling \$350. Last payment was received October 2022. Her current fine balance is \$6,650.
- **Dennis Millhouse**- Unsuspended portion of civil fine \$2,000 was due on 7/24/22. No payments received.

END OF REPORT

EXECUTIVE SESSION MOTION

I, _____, move that the Alaska State Board of Barbers & Hairdressers enter into executive session in accordance with AS 44.62.310(c), and Alaska Constitutional Right to Privacy Provisions, for the purpose of discussing _____

Board staff to remain during the session.

Authority: AS 44.62.310(c), Government meetings public

The following subjects may be considered in executive session:

- 1. matters, the immediate knowledge of which would clearly have an adverse effect upon the finances of the public entity;**
- 2. subjects that tend to prejudice the reputation and character of any person, provided the person may request a public discussion;**
- 3. matters which by law, municipal charter, or ordinance are required to be confidential;**
- 4. matters involving consideration of government records that by law are not subject to public disclosure.**

Regulation Changes Questionnaire


Division/Board: Barbers/Hairdressers Meeting Date: _____

Regulation change being proposed: 12 AAC 09.002, 09.005, 09.

General topic of the regulation: _____

This worksheet is designed to help the board think through an anticipated regulations project. Staff will provide this worksheet to the board at the time a regulations project is being approved for public notice. This information will be used to develop a FAQ to be posted on the board's web page to help the public understand the project. Staff will submit the completed worksheet with the draft board minutes to the Regulations Specialist within 10 days of the meeting and provide a copy to the supervisor. Appropriate staff will be assigned to complete this worksheet if a division regulation. **NOTE: Use a separate worksheet for each section being proposed.**

1. Is the new regulation needed to comply with new legislation or federal law? If yes, effective date of new statute/federal law: _____ <i>(If appropriate, ensure the new regulation is in line with federal requirements prior to initiating a regulation project.)</i>	Yes	No <input checked="" type="checkbox"/>
2. Does the change add a new license type? If yes: Does it affect current licensees? Do current licensees/non-licensees already perform the service for which the new license type is required? Is there a grace period or date explicitly included in the regulation to allow for a transition period?	Yes	No <input checked="" type="checkbox"/> Yes <input checked="" type="checkbox"/> Yes <input checked="" type="checkbox"/> Yes <input checked="" type="checkbox"/>
3. Does it change the qualifications or requirements of an existing license? If yes, does it affect current licensees?	Yes	No <input checked="" type="checkbox"/> Yes <input checked="" type="checkbox"/>
4. Does it affect continuing education/competency requirements? If yes: Does it add additional requirements or hours? Does it clarify existing regulations? Is there an effective date in the future to give licensees time to comply?	Yes	No <input checked="" type="checkbox"/> Yes <input checked="" type="checkbox"/> Yes <input checked="" type="checkbox"/> Yes <input checked="" type="checkbox"/>
5. Is it a fee change or does it create a new fee? If yes: Does it move fees in the centralized regulations to a new number, therefore affecting other program regulations?	Yes	No <input type="checkbox"/> Yes <input checked="" type="checkbox"/>
6. Does it make changes to the requirements of licensees? If yes: All licensees Certain licensees (List: _____) Initial licensees	Yes	No <input checked="" type="checkbox"/> Yes <input checked="" type="checkbox"/> Yes <input checked="" type="checkbox"/> Yes <input checked="" type="checkbox"/>
7. In addition to interested parties, who should receive the public notice? (All licensees or certain license types?) Schools, students, instructors, shops		

8. In addition to the 30-day minimum written notice, does the board request a public hearing? If yes, when and where. No
9. What will the regulation do?
10. What is the demonstrated public need or purpose of this regulation? This is being done in response to the move, October 1, 2022, to computerized examinations and all exam fees being paid directly to the examination administrator Prov.
11. What is the known or estimated cost of the new regulation to a private person, another agency, or a municipality (see Step 3 of the <i>Steps in the Regulation Process...</i>)?
12. What <u>positive</u> consequences may this regulation have on public or private people, businesses, or organizations? Examination candidates no longer have to wait a month or more to be scheduled for an examination or re-examination if they failed. Examination candidates no longer have to wait 3-4 weeks to receive score results. Examination candidates no longer have to travel to three testing locations (ANC, FAI, JNU) which eliminates travel, lodging, meals, and local transportation costs. Examination candidates in outlying areas have the option to have their exam administered on a personal computer. Additional foreign language examinations are available.
13. What <u>negative</u> consequences may this regulation have on public or private people, business, or organizations?
14. If any <u>negative</u> consequences, please address the reasons why the public need for this change outweighs the negative impact. N/A
15. List any additional questions or comments that may arise from the public during the comment period. Include a response to the questions.
16. What type of notification outlining the changes will be required once the regulation is adopted? Check appropriate boxes. FAQ on website  Email to licensees <input type="checkbox"/> *Letter to licensees <small>* Cost to board for mailing letter</small>

Staff submitting this worksheet: Cynthia Spencer Date submitted to Regulations Specialist: _____

From: [Spencer, Cynthia R \(CED\)](#)
To: [Maiquis, Jun C \(CED\)](#)
Cc: [Dumas, Melissa L \(CED\)](#); [Bowman, Reid T \(CED\)](#); [Saviers, Glenn A \(CED\)](#); [Whitcomb, Wanda F \(CED\)](#)
Subject: BAH Regulation Change Request - Removal of Examination Fees
Date: Tuesday, December 27, 2022 11:28:00 AM
Attachments: [image002.png](#)
[image003.png](#)
[image004.png](#)
Importance: High

Hello Jun,

Apologies for the lateness of this email.

Effective October 1, 2022 the BAH program moved to computerized examination administration with exam administrator Prov. This move to computerized testing eliminates the need for candidates to submit the \$60.00 exam fee and/or the \$25.00 exam postponement fee.

Could you please begin a regulation project removing the exam fees from the following:

- 12 AAC 09.002(b)(4)
- 12 AAC 09.002(c)(1) – by removing (b)(4)
- 12 AAC 09.002(d)(1) – by removing (b)(4)
- 12 AAC 09.002(i)(1) – by removing (b)(4)
- 12 AAC 09.002(m)(4)
- 12 AAC 09.002(o)(1) – by removing (4)
- 12 AAC 09.002(q)(1) – by removing (4)
- 12 AAC 09.005(a) – by removing and amending the following:

12 AAC 09.005. APPLICATION FOR EXAMINATION. (a) A completed, notarized application for examination as a barber, non-chemical barber, hairdresser, advanced manicurist, esthetician, practitioner of body piercing, practitioner of tattooing, practitioner of permanent cosmetic coloring, or instructor must be received by the division assigned occupational licensing functions at least 30 days before the next examination date and must

(1) be on the form provided by the department;

(2) include documents that verify that the applicant meets the requirements of AS 08.13.080; and

(3) include the applicable fees established in 12 AAC 02.140.

(b) Only an application that is complete 30 days before an examination will be considered for that examination. An applicant whose application is not complete by that time must wait until the next administration of the examination.

(c) An applicant scheduled to take an examination who is unable to appear may postpone the examination by notifying the department before the examination and submitting the exam postponement fee required in 12 AAC 02.105(8).

(d) An applicant who fails an examination or fails to appear for an examination and who desires to be rescheduled for a future examination must apply in accordance with (a)(1) and (a)(3) of this section no later than 30 days before the date of the examination that the applicant wishes to take.

(e) An application is considered abandoned if the applicant has not taken an examination within one year after the date of initial application.

- 12 AAC 09.010 – repeal regulation as board no longer sets exam dates
- 12 AAC 09.075 – by removing and amending the following:

12 AAC 09.075. REEXAMINATION. (a) An applicant who fails the examination may be reexamined at a future examination.

(b) To be scheduled for reexamination, an applicant shall comply with 12 AAC 09.005(d) and (c) of this section, if applicable.

(c) ~~At least 30 days before the next scheduled examination date,~~ an applicant who fails the written examination three times or more shall provide documentation to the board of successful completion of remedial training before the

-17-

applicant will be scheduled for reexamination. An applicant applying under this subsection to retake the written examination shall provide documentation to the board of successful completion of at least 50 hours of theoretical training. The applicant shall complete the remedial training in a school approved by the board or an apprenticeship program approved by the board and shall hold a valid student permit during the training as required in AS 08.13.180.

(d) If the applicant does not retake the examination at least one time each year during the three years after the date the examination was first administered, the applicant's application will be considered abandoned and the applicant is required to reapply for the applicable examination under this chapter.

(e) In this section, "applicant" means an individual who has applied to take the examination for

- (1) licensure as a barber, non-chemical barber, hairdresser, esthetician, or instructor; or
- (2) endorsement as an advanced manicurist.

Authority: AS 08.13.030

AS 08.13.040

AS 08.13.090

- 12 AAC 02.140(4), (5), and (7) – BAH is no longer charging fees for the written examination and the practical examination was removed (changed requirements 12/2020) and replaced with a proficiency exam administered by the school or apprentice instructor.

Another regulation that may need amending is 12 AAC 09.020; however I am not sure exactly what would need to be updated for computerized exams as I believe most of the requirements in the regulation are still met with computerized testing procedures at test locations.

Please contact Wanda or I with any questions or concerns.

Respectfully,

Cynthia Spencer

Occupational Licensing Examiner

[Div. of Corporations, Business and Professional Licensing](#)

[Professional Licensing](#)



Chapter 02. General Occupational Licensing Functions.

(Words in **boldface and underlined** indicate language being added; words [CAPITALIZED AND BRACKETED] indicate language being deleted.)

12 AAC 02.140 is amended to read:

12 AAC 02.140. Board of Barbers and Hairdressers. (a) The following fees are established:

(1) nonrefundable application fee for

(A) initial license, \$150;

(B) courtesy license, \$80;

(2) temporary permit fee, \$100;

(3) fee for student permit, student instructor permit, or apprenticeship that is valid

for

(A) one year, \$100;

(B) two years, \$125;

(4) **repealed** ____ / ____ / ____ [BARBER, NON-CHEMICAL BARBER,

HAIRDRESSER, ESTHETICIAN, ADVANCED MANICURIST, OR INSTRUCTOR

WRITTEN EXAMINATION FEE, \$60];

(5) barber, non-chemical barber, hairdresser, esthetician, or instructor practical examination fee, \$60;

(6) temporary license fee, \$100;

(7) **repealed** ____ / ____ / ____ [WRITTEN EXAMINATION FEE FOR

PRACTITIONERS OF BODY PIERCING, TATTOOING, OR PERMANENT COSMETIC

COLORING, \$60];

(8) temporary shop license fee, \$100;

(9) courtesy license for practitioners of hairdressing, body piercing, tattooing, or permanent cosmetic coloring, \$80;

(10) advanced manicurist endorsement one-time fee, \$20.

(b) The following license fees are established for all or part of the initial biennial license period:

(1) barber, non-chemical barber, or hairdresser, \$180;

(2) esthetician, \$180;

(3) instructor, \$260;

(4) shop owner, \$260;

(5) school and school owner combined, \$660;

(6) manicurist, \$180;

(7) repealed 6/8/2016;

(8) practitioner of tattooing or permanent cosmetic coloring, \$180;

(9) practitioner of body piercing, \$180;

(10) practitioner of hair braiding, \$180.

(c) The following biennial license renewal fees are established:

(1) barber, non-chemical barber, or hairdresser, \$180;

(2) esthetician, \$180;

(3) instructor, \$260;

(4) shop owner, \$260;

(5) school and school owner combined, \$660;

(6) manicurist and advanced manicurist endorsement, \$180;

(7) repealed 6/8/2016;

(8) practitioner of tattooing or permanent cosmetic coloring, \$180;

(9) practitioner of body piercing, \$180;

(10) practitioner of hair braiding, \$180. (Eff. 11/20/86, Register 100; am 10/1/88,

Register 107; am 5/28/93, Register 126; am 5/17/95, Register 134; am 5/30/97, Register 142; am

7/30/99, Register 151; am 11/14/99, Register 152; am 1/14/2001, Register 157; am 6/21/2001,

Register 158; am 12/6/2002, Register 164; am 6/7/2009, Register 190; am 6/28/2009, Register

190; am 8/5/2011, Register 199; am 5/15/2013, Register 206; am 8/15/2015, Register 215; am

8/16/2015, Register 215; am 6/8/2016, Register 218; am 6/21/2018, Register 226; am 1/1/2019,

Register 228; am ____/____/_____, Register ____)

Authority: AS 08.01.065 AS 08.13.185

(4) a statement signed by the applicant's sponsor verifying that the sponsor is a practitioner of body piercing, tattooing, or permanent cosmetic coloring who holds a permanent license in this state and will sponsor the applicant; and

(5) copies of current cards issued by the American Red Cross, the American Heart Association, or a similar organization approved by the board, showing that the applicant successfully completed training courses in

(A) cardiopulmonary resuscitation (CPR);

(B) and blood borne pathogens.

(t) The following checklist is established by the board for review of an application for a student permit for an applicant to obtain training for hairdressing, barbering, or esthetics by a licensed instructor in an apprenticeship program in a licensed shop. A student permit to obtain training in hairdressing, barbering, or esthetics by a licensed instructor in a licensed shop will be issued to an applicant who submits

(1) a completed application on a form provided by the department;

(2) the student permit fee established in 12 AAC 02.140; and

(3) a completed statement of responsibility form from the licensed instructor who will provide the training.

(u) The following checklist is established by the board for review of an application for a student permit for an applicant to obtain training for body piercing, tattooing, or permanent cosmetic coloring by a licensed practitioner in an apprenticeship program in a licensed shop. A student permit to obtain training for body piercing, tattooing, or permanent cosmetic coloring by a licensed practitioner in a licensed shop will be issued to an applicant who submits

(1) a completed application on a form provided by the department;

(2) the student permit fee established in 12 AAC 02.140;

(3) a completed statement of responsibility form from the licensed practitioner who will provide the training;

(4) copies of current cards issued by the American Red Cross, the American Heart Association, or a similar organization approved by the board, showing that the applicant successfully completed training courses in

(A) cardiopulmonary resuscitation (CPR);

(B) blood borne pathogens; and

(5) a copy of the current certificate of sanitary standards issued under 18 AAC 23.310 to the shop in which the training will take place.

(v) The following checklist is established by the board for review of an application for a hair braiding license. A license to practice hair braiding will be issued to an applicant who submits

(1) the documents and fees required by (b)(1), (3), and (7) of this section; and

(2) verification of

(A) completion of instruction as required by 12 AAC 09.164 on a form provided by the department; or

(B) a current license to practice as a hair braider in another state with requirements equal to those in this state at the time of licensure, sent directly to this state from the verifying state's licensing agency in accordance with 12 AAC 09.115.

(w) The following checklist is established by the board for review of an application for a manicurist license. A manicurist license will be issued to an applicant who submits

(1) the documents and fees required by (b)(1), (3), and (7) of this section; and

(2) verification of

(A) training that meets the requirements in 12 AAC 09.143; or

(B) a current license to practice manicuring in another state with requirements equal to those in this state at the time of licensure, sent directly to this state from the verifying state's licensing agency in accordance with 12 AAC 09.115.

Authority:	AS 08.01.062	AS 08.13.080	AS 08.13.100
	AS 08.13.030	AS 08.13.082	AS 08.13.120
	AS 08.13.070	AS 08.13.090	AS 08.13.180

12 AAC 09.003. TRANSITIONAL LICENSURE. Repealed 6/8/2016.

12 AAC 09.004. COURTESY LICENSE. (a) A courtesy license authorizes the licensee to practice body piercing, tattooing, or permanent cosmetic coloring as a guest practitioner in a shop licensed by the board. An applicant for a courtesy license to practice body piercing must have a sponsor who holds a permanent license to practice body piercing in this state. An applicant for a courtesy license to practice tattooing must have a sponsor who holds a permanent license to practice tattooing in this state. An applicant for a courtesy license to practice permanent cosmetic coloring must have a sponsor who holds a permanent license to practice permanent cosmetic coloring in this state.

(b) The board will issue a courtesy license to an applicant who meets the requirements of AS 08.01.062(a) and who, at least 30 days before the applicant plans to begin working, submits

(1) a completed application on a form provided by the department; a completed application must specify the dates for which the license is requested, the type of license requested, and the identity of the applicant's sponsor;

(2) the applicable fees established in 12 AAC 02.140;

(3) verification of practicing body piercing, tattooing, or permanent cosmetic coloring for a fee, for at least 12 of the 24 consecutive months immediately preceding the date of application; the proof must include one of the following or a combination of the following:

- (A) at least two sworn affidavits from students or employees verifying the applicant's experience;
- (B) at least one copy per month of a client release form for at least 12 of the 24 consecutive months immediately preceding the date of application;
- (C) other information acceptable to the board;
- (4) a statement signed by the applicant's sponsor verifying that the sponsor is a practitioner of body piercing or practitioner of tattooing and permanent cosmetic coloring who holds a permanent license in this state and will sponsor the applicant; and
- (5) verification that the applicant successfully completed training equivalent to that required for completion of courses certified by the American Red Cross, the American Heart Association, or a similar organization approved by the board, and has been issued a current card, in
 - (A) cardiopulmonary resuscitation (CPR); and
 - (B) blood borne pathogens.
- (c) A courtesy license to practice body piercing, tattooing, or permanent cosmetic coloring is valid for 30 consecutive days. A person may not be issued more than one courtesy license in a calendar year.
- (d) The period during which a courtesy license is valid may not be counted towards the training requirements of 12 AAC 09.167 or 12 AAC 09.169.
- (e) The board will issue a courtesy license to an applicant to practice hairdressing as a hairdresser for the purpose of working on a television, film, or stage production who meets the requirements of this chapter and AS 08.01.062, and by submitting the following:
 - (1) a completed application on a form provided by the department; a completed application must specify the dates for which the license is requested, the type of license requested;
 - (2) payment of the applicable fees established in 12 AAC 02.140;
 - (3) verification of a current hairdressing license from another state or jurisdiction.
- (f) A courtesy license to practice hairdressing is valid for the duration of the production, not to exceed 12 months. If the license is required for a period longer than 12 months, the licensee must apply for a new and separate license.

Authority: AS 08.01.062 AS 08.13.030 AS 08.13.070

12 AAC 09.005. APPLICATION FOR EXAMINATION. (a) A completed, notarized application for examination as a barber, non-chemical barber, hairdresser, advanced manicurist, esthetician, practitioner of body piercing, practitioner of tattooing, practitioner of permanent cosmetic coloring, or instructor must be received by the division assigned occupational licensing functions at least 30 days before the next examination date and must

- (1) be on the form provided by the department;
- (2) include documents that verify that the applicant meets the requirements of AS 08.13.080; and
- (3) include the applicable fees established in 12 AAC 02.140.

(b) Only an application that is complete 30 days before an examination will be considered for that examination. An applicant whose application is not complete by that time must wait until the next administration of the examination.

(c) An applicant scheduled to take an examination who is unable to appear may postpone the examination by notifying the department before the examination and submitting the exam postponement fee required in 12 AAC 02.105(8).

(d) An applicant who fails an examination or fails to appear for an examination and who desires to be rescheduled for a future examination must apply in accordance with (a)(1) and (a)(3) of this section no later than 30 days before the date of the examination that the applicant wishes to take.

(e) An application is considered abandoned if the applicant has not taken an examination within one year after the date of initial application.

Authority: AS 08.13.030 AS 08.13.040 AS 08.13.080

12 AAC 09.006. TRANSITIONAL PROVISIONS FOR LICENSEES AND ENDORSEMENT HOLDERS. Repealed 6/21/2018.

12 AAC 09.010. EXAMINATION DATES. The department will publish notice of the date and place of each administration of the examination at least 45 days before the examination.

Authority: AS 08.13.030

12 AAC 09.015. REEXAMINATION. Repealed 9/30/87.

12 AAC 09.020. IDENTIFICATION OF APPLICANT. (a) The department or its designee at the examination site will assign each applicant for examination a number by which the applicant is identified during the examination.

(b) Except for the purpose of receiving an identification number as described in (a) of this section, an applicant may not reveal the applicant's identity to an examiner.

(f) Unless the student's permit is extended under (c) of this section, a student whose permit has expired under this section and re-enrolls in the same school or enrolls in another licensed school of barbering, hairdressing, manicuring, or esthetics, must reregister with the department and meet the requirements of this section.

Authority: AS 08.13.030 AS 08.13.180 AS 08.13.190

12 AAC 09.185. TRAINEES IN BODY PIERCING, TATTOOING, OR PERMANENT COSMETIC

COLORING. (a) A currently licensed practitioner of body piercing, tattooing, or permanent cosmetic coloring who has held a practitioner's license in this state for at least one year before the training begins may provide training to no more than two trainees simultaneously in a shop licensed by the board under 12 AAC 09.110. A license practitioner of

- (1) body piercing may provide training in body piercing;
 - (2) tattooing may provide training in tattooing, or permanent cosmetic coloring if the trainer meets the requirements of 12 AAC 09.168;
 - (3) permanent cosmetic coloring may provide training in permanent cosmetic coloring.
- (b) The trainer must
- (1) provide a time clock in the shop for the recording of the trainee's attendance;
 - (2) maintain daily records of the trainee's hours of attendance; and
 - (3) maintain all records in an orderly manner and make records available for inspection by a member of the board during the hours the shop is open.
- (c) A trainer may not credit a trainee for more than 10 hours of training in any one day.
- (d) A trainee may not perform work in a shop unless the trainer responsible for the trainee's training is on the premises.
- (e) A trainer must submit a report on each trainee under the trainer's supervision, on a form provided by the department, no later than the 15th day after the calendar quarter. The report must include
- (1) for tattooing, the exact number of hours of theoretical instruction and exact number and type of practical operations completed by the trainee during the previous quarter;
 - (2) for permanent cosmetic coloring, the exact number of hours of theoretical instruction and exact number and type of practical operations completed by the trainee during the previous quarter;
 - (3) for body piercing, the exact number of hours of theoretical instruction and the exact number and type of practical operations completed by the trainee during the previous quarter.
- (f) The quarterly report must maintain continuity from month-to-month from the date the training begins to the date of termination or completion of the course of training regardless of attendance by the trainee.
- (g) The trainer must submit a certificate of student training form for tattooing, permanent cosmetic coloring, or body piercing within 20 days of termination of the training, documenting the theoretical and practical operations completed by the trainee during the incomplete training period.
- (h) Upon completion of a course of training under this section, the trainee is eligible to take the appropriate examination in the license categories of tattooing, permanent cosmetic coloring, or body piercing. The trainer shall submit a certificate of student training form no later than 30 days after the completion of training, documenting the theory hours and practical operations.
- (i) A trainee whose training has been interrupted for a continuous period of two years or more will not be allowed credit for the hours of training received before the date the training was interrupted.
- (j) A trainee may have no more than three trainers at a time. Each trainer must submit a statement of responsibility for the trainee. Approved trainers will be listed and reflected on the trainees permit. Any of the approved trainers may submit completion or termination certificates, documenting the theoretical and practical operations completed by the trainee during the incomplete training period in accordance with (g) and (h) of this section.
- (k) A trainee permit is portable to shops licensed by the board under 12 AAC 09.110. The requirements of this section must be met at all times.

Authority: AS 08.13.030 AS 08.13.082

12 AAC 09.186. TRAINEES IN HAIR BRAIDING. (a) A currently licensed hairdresser, instructor in hairdressing, or hair braider in a shop that is licensed by the board under 12 AAC 09.110 may provide instruction in hair braiding in accordance with 12 AAC 09.164.

(b) The trainer under (a) of this section must have held a license in this state for at least one year before the training begins.

Authority: AS 08.13.030 AS 08.13.080

12 AAC 09.190. APPRENTICES OF BARBERING, NON-CHEMICAL BARBERING, HAIRDRESSING, AND ESTHETICS. (a) A currently licensed barber, non-chemical barber, hairdresser, or esthetician instructor in a shop that is licensed by the board under 12 AAC 09.110 may sponsor an apprentice in the instruction of barbering, non-chemical barbering, hairdressing, or esthetics if

(1) the instructor submits a completed application on a form provided by the department; the completed application must include

(f) Unless the student's permit is extended under (c) of this section, a student whose permit has expired under this section and re-enrolls in the same school or enrolls in another licensed school of barbering, hairdressing, manicuring, or esthetics, must reregister with the department and meet the requirements of this section.

Authority: AS 08.13.030 AS 08.13.180 AS 08.13.190

12 AAC 09.185. TRAINEES IN BODY PIERCING, TATTOOING, OR PERMANENT COSMETIC COLORING. (a) A currently licensed practitioner of body piercing, tattooing, or permanent cosmetic coloring who has held a practitioner's license in this state for at least one year before the training begins may provide training to no more than two trainees simultaneously in a shop licensed by the board under 12 AAC 09.110. A license practitioner of

- (1) body piercing may provide training in body piercing;
 - (2) tattooing may provide training in tattooing, or permanent cosmetic coloring if the trainer meets the requirements of 12 AAC 09.168;
 - (3) permanent cosmetic coloring may provide training in permanent cosmetic coloring.
- (b) The trainer must
- (1) provide a time clock in the shop for the recording of the trainee's attendance;
 - (2) maintain daily records of the trainee's hours of attendance; and
 - (3) maintain all records in an orderly manner and make records available for inspection by a member of the board during the hours the shop is open.
- (c) A trainer may not credit a trainee for more than 10 hours of training in any one day.
- (d) A trainee may not perform work in a shop unless the trainer responsible for the trainee's training is on the premises.
- (e) A trainer must submit a report on each trainee under the trainer's supervision, on a form provided by the department, no later than the 15th day after the calendar quarter. The report must include
- (1) for tattooing, the exact number of hours of theoretical instruction and exact number and type of practical operations completed by the trainee during the previous quarter;
 - (2) for permanent cosmetic coloring, the exact number of hours of theoretical instruction and exact number and type of practical operations completed by the trainee during the previous quarter;
 - (3) for body piercing, the exact number of hours of theoretical instruction and the exact number and type of practical operations completed by the trainee during the previous quarter.
- (f) The quarterly report must maintain continuity from month-to-month from the date the training begins to the date of termination or completion of the course of training regardless of attendance by the trainee.
- (g) The trainer must submit a certificate of student training form for tattooing, permanent cosmetic coloring, or body piercing within 20 days of termination of the training, documenting the theoretical and practical operations completed by the trainee during the incomplete training period.
- (h) Upon completion of a course of training under this section, the trainee is eligible to take the appropriate examination in the license categories of tattooing, permanent cosmetic coloring, or body piercing. The trainer shall submit a certificate of student training form no later than 30 days after the completion of training, documenting the theory hours and practical operations.
- (i) A trainee whose training has been interrupted for a continuous period of two years or more will not be allowed credit for the hours of training received before the date the training was interrupted.
- (j) A trainee may have no more than three trainers at a time. Each trainer must submit a statement of responsibility for the trainee. Approved trainers will be listed and reflected on the trainees permit. Any of the approved trainers may submit completion or termination certificates, documenting the theoretical and practical operations completed by the trainee during the incomplete training period in accordance with (g) and (h) of this section.
- (k) A trainee permit is portable to shops licensed by the board under 12 AAC 09.110. The requirements of this section must be met at all times.

Authority: AS 08.13.030 AS 08.13.082

12 AAC 09.186. TRAINEES IN HAIR BRAIDING. (a) A currently licensed hairdresser, instructor in hairdressing, or hair braider in a shop that is licensed by the board under 12 AAC 09.110 may provide instruction in hair braiding in accordance with 12 AAC 09.164.

(b) The trainer under (a) of this section must have held a license in this state for at least one year before the training begins.

Authority: AS 08.13.030 AS 08.13.080

12 AAC 09.190. APPRENTICES OF BARBERING, NON-CHEMICAL BARBERING, HAIRDRESSING, AND ESTHETICS. (a) A currently licensed barber, non-chemical barber, hairdresser, or esthetician instructor in a shop that is licensed by the board under 12 AAC 09.110 may sponsor an apprentice in the instruction of barbering, non-chemical barbering, hairdressing, or esthetics if

(1) the instructor submits a completed application on a form provided by the department; the completed application must include

- (A) the personal identification information requested on the form;
- (B) a curriculum to the board and must provide for
 - (i) verification that the shop where the training will be provided meets the requirements of 12 AAC 09.155 if the apprenticeship training is for barbering or hairdressing, 12 AAC 09.155 except for items listed under 12 AAC 09.155(c)(16) – (18) if the apprenticeship training is for non-chemical barbering, and 12 AAC 09.162 if the apprenticeship training is for esthetics;
 - (ii) instruction of the minimum hours of theoretical and practical training specified in 12 AAC 09.160 if the apprenticeship training is for barbering or hairdressing, 12 AAC 09.161 if the apprenticeship training is for non-chemical barbering, or 12 AAC 09.163 if the apprenticeship training is for esthetics, and the proficiency examination described in 12 AAC 09.050;
 - (iii) a period of apprenticeship that meets the requirements of AS 08.13.082; and
 - (iv) the issuance of an affidavit of completion to each apprentice successfully completing the apprenticeship; and
- (2) the apprentice holds a student permit issued under 12 AAC 09.180(a).
- (b) An instructor may sponsor no more than two apprentices. The instructor must ensure that each apprentice sponsored by that instructor has that apprentice's own work station in the shop where the training will be provided.
- (c) An instructor may not sponsor a student-instructor.
- (d) An instructor must provide training and instruction to the same extent required of a school of barbering, hairdressing, or esthetics.
- (e) An instructor must provide a time clock in the shop for the recording of the apprentice's attendance. An instructor must maintain daily records of an apprentice's number of hours of instructional coursework and number of practical operations.
- (f) An instructor may not credit an apprentice for more than 10 hours of training in any one day.
- (g) All records required to be maintained by an instructor under this section must be maintained in an orderly, alphabetical, or numerical filing system and must be made available for inspection by any member of the board upon reasonable notice.
- (h) An apprentice may not perform work in a shop unless the licensed barber, non-chemical barber, hairdresser, or esthetician instructor responsible for the apprentice's training is on the premises.
- (i) Not later than the 15th day after the calendar quarter, on a form provided by the department, an instructor shall submit a report on each apprentice enrolled. The quarterly report must
 - (1) include the exact number of hours of theoretical and practical training completed by the apprentice during the previous quarter;
 - (2) include the exact number and type of operations completed by the apprentice during the previous quarter; and
 - (3) maintain continuity from month-to-month, from the date of enrollment to the date of termination or completion of the course of instruction regardless of attendance by the apprentice.
- (j) Not later than 20 working days after termination of instruction of an apprentice, the instructor shall notify the department, on a form provided by the department, of the termination. The termination report must include the date of the apprentice's enrollment, the date of termination, the total number and types of operations performed by the apprentice, and the total number of hours and types of training received by the apprentice. The termination report is subject to audit and may be utilized to establish credit hours for transfer and reenrollment under 12 AAC 09.135.
- (k) Not later than five working days after completion by an apprentice of a course of training, the instructor in a shop shall submit to the board an affidavit showing the total number of operations, the total number of hours of training and theoretical instruction completed by the apprentice, the date of completion of the training, and verification of passing the proficiency examination as required by 12 AAC 09.050. This affidavit will serve as certification by the instructor that the apprentice meets eligibility requirements necessary for examination for licensure.
- (l) Upon completion of a course of instruction under this section, an apprentice is eligible to take the appropriate examination in the license category of barbering, non-chemical barbering, hairdressing, or esthetics. ~~The instructor shall notify the board of an apprentice completing the course of instruction not later than 30 days after the completion by submitting records of apprenticeship in accordance with this section.~~
- (m) An apprentice who interrupts the apprentice's training for a continuous period of two years will not be allowed credit for apprenticeship instruction and training received before the interruption.
- (n) The board will not give credit for apprenticeship work completed before the apprentice has a valid student permit.
- (o) For an apprentice who has completed an apprenticeship and has passed the licensing examination, the student permit expires 30 days after the student is notified in writing of passage of the examination. After passing the examination, an apprentice may, under the supervision of a licensed instructor, continue to practice under the student permit until the student permit expires under this subsection or a valid practitioner license is issued, whichever occurs first.

Authority: AS 08.13.030

AS 08.13.082

**ARTICLE 7.
GENERAL PROVISIONS.**

Chapter 09. Board of Barbers and Hairdressers.

(Words in **boldface and underlined** indicate language being added; words [CAPITALIZED AND BRACKETED] indicate language being deleted.)

12 AAC 09.002(b)(4) is repealed:

(4) **repealed** ____ / ____ / ____ [PAYS THE WRITTEN EXAMINATION FEE ESTABLISHED IN 12 AAC 02.140];

12 AAC 09.002(c)(1) is amended to read:

(1) submits the documents and fees required by (b)(1), (b)(3), [(b)(4),] and (b)(7) of this section;

12 AAC 09.002(d)(1) is amended to read:

(1) submits the documents and fees required by (b)(1), (b)(3), [(b)(4),] and (b)(7) of this section;

12 AAC 09.002(i)(1) is amended to read:

(1) submits the documents and fees required by (b)(1), (b)(3), [(b)(4),] and (b)(7) of this section;

12 AAC 09.002(m)(4) is amended to read:

(4) **repealed** ____ / ____ / ____ [PAYS THE WRITTEN EXAMINATION FEES ESTABLISHED IN 12 AAC 02.140];

12 AAC 09.002(o)(1) is amended to read:

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(1) submits the documents and fees required by (b)(1), (3), [(4),] and (7) of this section;

12 AAC 09.002(q)(1) is amended to read:

(1) submits the documents and fees required by (b)(1), (3), [(4),] and (7) of this section;

(Eff. 5/10/96, Register 138; am 3/19/99, Register 149; am 7/23/2000, Register 155; am 7/13/2002, Register 163; am 11/27/2002, Register 164; am 12/6/2002, Register 164; am 1/14/2004, Register 169; am 10/14/2006, Register 180; am 12/24/2006, Register 180; am 4/21/2010, Register 194; am 6/8/2016, Register 218; am 6/21/2018, Register 226; am 3/30/2019, Register 229; am 12/6/2020, Register 236; am ____/____/_____, Register _____)

Authority:	AS 08.01.062	AS 08.13.080	AS 08.13.120
	AS 08.13.030	AS 08.13.090	AS 08.13.180
	AS 08.13.070	AS 08.13.100	

12 AAC 09.004(c) is amended to read:

(c) A courtesy license to practice body piercing, tattooing, or permanent cosmetic coloring is valid for 30 consecutive days. A person may not be issued more than **two** [ONE] courtesy license in a calendar year. (Eff. 12/6/2002, Register 164; am 9/24/2014, Register 211; am 3/30/2019, Register 229; am ____/____/_____, Register _____)

Authority:	AS 08.01.062	AS 08.13.030	AS 08.13.070
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The introductory language of 12 AAC 09.005(a) is amended to read:

12 AAC 09.005. Application for examination. (a) A completed, notarized application for examination as a barber, non-chemical barber, hairdresser, advanced manicurist, esthetician, practitioner of body piercing, practitioner of tattooing, practitioner of permanent cosmetic coloring, or instructor must be received by the division [ASSIGNED OCCUPATIONAL LICENSING FUNCTIONS AT LEAST 30 DAYS BEFORE THE NEXT EXAMINATION DATE] and must

• • •

12 AAC 09.005(b) is amended to read:

(b) Only an application that is complete [30 DAYS BEFORE AN EXAMINATION] will be considered for that examination. [AN APPLICANT WHOSE APPLICATION IS NOT COMPLETE BY THAT TIME MUST WAIT UNTIL THE NEXT ADMINISTRATION OF THE EXAMINATION.]

12 AAC 09.005(c) is amended to read:

(c) An applicant scheduled to take an examination who is unable to appear may postpone the examination by notifying the **test administrator provider?** [DEPARTMENT BEFORE THE EXAMINATION AND SUBMITTING THE EXAM POSTPONEMENT FEE REQUIRED IN 12 AAC 02.105(8)].

12 AAC 09.005(d) is amended to read:

(d) An applicant who fails an examination or fails to appear for an examination and who desires to be rescheduled for a future examination must **contact test administrator provider direct** [APPLY IN ACCORDANCE WITH (a)(1) AND (a)(3) OF THIS SECTION NO LATER

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THAN 30 DAYS BEFORE THE DATE OF THE EXAMINATION THAT THE APPLICANT WISHES TO TAKE].

(Eff. 11/2/81, Register 80; am 4/18/82, Register 82; am 8/12/87, Register 103; am 9/30/87, Register 103; am 5/20/88, Register 106; am 10/16/88, Register 108; am 11/28/88, Register 108; am 5/10/96, Register 138; am 7/23/2000, Register 155; am 11/27/2002, Register 164; am 12/28/2008, Register 188; am 6/8/2016, Register 218; am 6/21/2018, Register 226; am 3/30/2019, Register 229; am 12/6/2020, Register 236; am ____/____/_____, Register _____)

Authority: AS 08.13.030 AS 08.13.040 AS 08.13.080

12 AAC 09.010 is repealed:

12 AAC 09.010. Examination dates. Repealed ____/____/_____. (Eff. 11/2/81, Register 80; am 4/18/82, Register 82; am 9/30/87, Register 103; repealed ____/____/_____, Register _____)

12 AAC 09.075(c) is amended to read:

(c) **An** [AT LEAST 30 DAYS BEFORE THE NEXT SCHEDULED EXAMINATION DATE, AN] applicant who fails the written examination three times or more shall provide documentation to the board of successful completion of remedial training before the applicant will be scheduled for reexamination. An applicant applying under this subsection to retake the written examination shall provide documentation to the board of successful completion of at least 50 hours of theoretical training. The applicant shall complete the remedial training in a school approved by the board or an apprenticeship program approved by the board and shall hold a valid student permit during the training as required in AS 08.13.180.

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(Eff. 11/2/81, Register 80; am 10/21/82, Register 84; am 5/10/96, Register 138; am 7/23/2000, Register 155; am 12/28/2008, Register 188; am 4/21/2010, Register 194; am 12/6/2020, Register 236; am ___/___/_____, Register _____)

Authority: AS 08.13.030 AS 08.13.040 AS 08.13.090

12 AAC 09.185(h) is amended to read:

(h) Upon completion of a course of training under this section, the trainee is eligible to take the appropriate examination in the license categories of tattooing, permanent cosmetic coloring, or body piercing. The trainer shall submit a certificate of student training form no later than **five** [30] days after the completion of training, documenting the theory hours and practical operations.

(Eff. 11/16/2004, Register 172; am 12/24/2006, Register 180; am 4/21/2010, Register 194; am 9/24/2014, Register 211; am 4/5/2018, Register 226; am 3/30/2019, Register 229; am ___/___/_____, Register _____)

Authority: AS 08.13.030 AS 08.13.082

12 AAC 09.190(l) is amended to read:

(l) Upon completion of a course of instruction under this section, an apprentice is eligible to take the appropriate examination in the license category of barbering, non-chemical barbering, hairdressing, or esthetics. [THE INSTRUCTOR SHALL NOTIFY THE BOARD OF AN APPRENTICE COMPLETING THE COURSE OF INSTRUCTION NOT LATER THAN 30 DAYS AFTER THE COMPLETION BY SUBMITTING RECORDS OF APPRENTICESHIP IN ACCORDANCE WITH THIS SECTION.]

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(Eff. 10/21/82, Register 84; am 8/12/87, Register 103; am 2/28/88, Register 105; am 5/20/88, Register 106; am 10/1/93, Register 127; am 4/23/98, Register 146; am 7/23/2000, Register 155; am 7/13/2002, Register 163; am 11/16/2004, Register 172; am 10/14/2006, Register 180; am 12/24/2006, Register 180; am 8/10/2012, Register 203; am 6/8/2016, Register 218; am 4/5/2018, Register 226; am 6/21/2018, Register 226; am 3/30/2019, Register 229; am 12/6/2020, Register 236; am ____ / ____ / _____, Register _____)

Authority: AS 08.13.030 AS 08.13.082

Regulation Changes Questionnaire

Division/Board: Barbers/Hairdressers Meeting Date: Feb 27, 2023

Regulation change being proposed: 12 AAC 09.002 & 09.106

General topic of the regulation: Instructor License Requirements

This worksheet is designed to help the board think through an anticipated regulations project. Staff will provide this worksheet to the board at the time a regulations project is being approved for public notice. This information will be used to develop a FAQ to be posted on the board's web page to help the public understand the project. Staff will submit the completed worksheet with the draft board minutes to the Regulations Specialist within 10 days of the meeting and provide a copy to the supervisor. Appropriate staff will be assigned to complete this worksheet if a division regulation. **NOTE: Use a separate worksheet for each section being proposed.**

1. Is the new regulation needed to comply with new legislation or federal law? If yes, effective date of new statute/federal law: _____ <i>(If appropriate, ensure the new regulation is in line with federal requirements prior to initiating a regulation project.)</i>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
2. Does the change add a new license type? If yes: Does it affect current licensees? Do current licensees/non-licensees already perform the service for which the new license type is required? Is there a grace period or date explicitly included in the regulation to allow for a transition period?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/>
3. Does it change the qualifications or requirements of an existing license? If yes, does it affect current licensees?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
4. Does it affect continuing education/competency requirements? If yes: Does it add additional requirements or hours? Does it clarify existing regulations? Is there an effective date in the future to give licensees time to comply?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/>
5. Is it a fee change or does it create a new fee? If yes: Does it move fees in the centralized regulations to a new number, therefore affecting other program regulations?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/>
6. Does it make changes to the requirements of licensees? If yes: All licensees Certain licensees (List: <u>Instructor by waiver of examination</u>) Initial licensees	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/>
7. In addition to interested parties, who should receive the public notice? (All licensees or certain license types?) Not certain, applies to out of state applicants	

8. In addition to the 30-day minimum written notice, does the board request a public hearing? If yes, when and where. No
9. What will the regulation do? Removes requirements for out of state instructors to hold an individual aspect (barber, hairdresser, etc.) license in AK before an application for instructor license submitted. Currently, instructors by waiver of exam must first obtain an individual aspect license; costs for this on AK side is \$330.00, however this does not include additional VOL and transcript costs to applicant. Once individual aspect license is issued, the individual may then apply for an instructor license; AK costs are \$410.00, however this does not include additional VOL and transcript costs to applicant.
10. What is the demonstrated public need or purpose of this regulation? Obtaining an AK instructor license has been cost prohibitive and creates barriers to what should be a fairly quick licensing process.
11. What is the known or estimated cost of the new regulation to a private person, another agency, or a municipality (see Step 3 of the <i>Steps in the Regulation Process...</i>)? Unknown
12. What <u>positive</u> consequences may this regulation have on public or private people, businesses, or organizations? Will allow smoother and less costly licensing for out of state qualified individuals.
13. What <u>negative</u> consequences may this regulation have on public or private people, business, or organizations? N/A
14. If any <u>negative</u> consequences, please address the reasons why the public need for this change outweighs the negative impact. N/A
15. List any additional questions or comments that may arise from the public during the comment period. Include a response to the questions. Can't think of any....
16. What type of notification outlining the changes will be required once the regulation is adopted? Check appropriate boxes. FAQ on website <input type="checkbox"/> Email to licensees <input checked="" type="checkbox"/> *Letter to licensees <input type="checkbox"/> <small>* Cost to board for mailing letter</small>

Staff submitting this worksheet: Cynthia Spencer Date submitted to Regulations Specialist: 02/06/2023

**CHAPTER 09.
BOARD OF BARBERS AND HAIRDRESSERS.**

Article

- 1. Examination Applications and Standards**
(12 AAC 09.002 – 12 AAC 09.038)
- 2. (Repealed)**
- 3. Examinations**
(12 AAC 09.056 – 12 AAC 09.075)
- 4. Licensing Requirements**
(12 AAC 09.080 – 12 AAC 09.115)
- 5. Schools and Curriculum**
(12 AAC 09.120 – 12 AAC 09.175)
- 6. Student Permits, Training, and Apprentices**
(12 AAC 09.180 – 12 AAC 09.190)
- 7. General Provisions**
(12 AAC 09.900 – 12 AAC 09.990)

**ARTICLE 1.
EXAMINATION APPLICATIONS AND STANDARDS.**

Section

- 02. Review of license applications**
- 03. (Repealed)**
- 04. Courtesy license**
- 05. Application for examination**
- 06. (Repealed)**
- 10. Examination dates**
- 15. (Repealed)**
- 20. Identification of applicant**
- 25. Conduct for examinations**
- 30. (Repealed)**
- 35. (Repealed)**
- 38. (Repealed)**

12 AAC 09.002. REVIEW OF LICENSE APPLICATIONS. (a) An applicant who meets the requirements on the relevant checklist set out in this section has demonstrated the necessary qualifications for the license or permit applied for. An applicant who does not meet the requirements on that checklist or whose application documents do not clearly show that the applicant is qualified to receive a license or permit will not be issued a license or permit unless the board further reviews the application and determines that the applicant meets the qualifications in AS 08.13 and this chapter for that license or permit.

(b) The following checklist is established by the board for review of an application for a barber or non-chemical barber license by examination. A barber or non-chemical barber license will be issued to an applicant who

- (1) submits a completed, notarized form for application under this chapter that includes the
 - (A) applicant's name and address; and
 - (B) for each school or apprenticeship where the applicant was trained, the name and address of the school or apprenticeship, the dates of the training, and the number of hours of training completed;
- (2) submits original or certified true copies of
 - (A) student monthly records verifying that the applicant has successfully completed in a school approved by the board
 - (i) 1,650 hours of training for a barber license; or
 - (ii) 1,350 hours of training for a non-chemical barber license;
 - (B) certification from another state's licensing agency, bearing the seal of that state, that the applicant has successfully completed in a school approved by that state's licensing agency
 - (i) 1,650 hours of training that included the minimum number of practical operations set out in 12 AAC 09.160 for a barber license; or
 - (ii) 1,350 hours of training that included the minimum number of practical operations set out in 12 AAC 09.161 for a non-chemical barber license;
 - (C) student monthly records verifying that the applicant has successfully completed in an apprenticeship program approved by the board
 - (i) 2,000 hours of training for a barber license; or
 - (ii) 1,600 hours of training for a non-chemical barber license;

(g) The following checklist is established by the board for review of an application for a student permit while attending a licensed school of barbering, hairdressing, or esthetics. A student permit for an applicant attending an approved school will be issued to an applicant who submits

- (1) a completed form for application under this chapter;
- (2) repealed 3/30/2019;
- (3) the permit fee established in 12 AAC 02.140; and
- (4) proof of enrollment in a licensed school of barbering, hairdressing, or esthetics.

(h) The following checklist is established by the board for review of an application for a student instructor permit. A student instructor permit will be issued to an applicant who submits

- (1) a completed form for application under this chapter;
- (2) repealed 3/30/2019;
- (3) the permit fee established in 12 AAC 02.140; and
- (4) verification of one year of practice as a barber, hairdresser, manicurist, or esthetician that meets the requirements in 12 AAC 09.115.

(i) The following checklist is established by the board for review of an application for an instructor license by examination. An instructor license will be issued to an applicant who

- (1) submits the documents and fees required by (b)(1), (b)(3), (b)(4), and (b)(7) of this section;
- (2) submits verification of a current license to practice as a barber, hairdresser, manicurist, or esthetician in this state;
- (3) submits verification of at least
 - (A) three years of practice as a licensed barber, hairdresser, esthetician, or manicurist in this state or another jurisdiction; or
 - (B) one year of practice as a licensed barber, hairdresser, esthetician, or manicurist in this state or another jurisdiction followed by 600 hours of student instructor training in a school approved by the board or another licensing jurisdiction; and
- (4) passes the written examination described in 12 AAC 09.070; and
- (5) repealed 12/6/2020.

(j) The following checklist is established by the board for review of an application for an instructor license by waiver of examination. An instructor license will be issued to an applicant

- (1) who submits the documents and fees required by (b)(1), (b)(3), and (b)(7) of this section;
- (2) who complies with the requirements of (i)(2) of this section; and
- (3) whose application includes a verification form completed by another state's licensing agency, bearing the seal of that state, showing that the applicant
 - (A) holds a current license to practice as an instructor in that state; and
 - (B) qualified for licensure as an instructor by passing a written examination.

(k) The following checklist is established by the board for review of an application for a shop owner license. A shop owner license will be issued to an applicant who meets the requirements in 12 AAC 09.110(a).

(l) Repealed 6/8/2016.

(m) The following checklist is established by the board for review of an application for an advanced manicurist endorsement by examination. An advanced manicurist endorsement will be issued to an applicant who

- (1) submits a completed, notarized form for application under this chapter that includes
 - (A) the applicant's name and address; and
 - (B) for each school where the applicant was trained, the name and address of the school, the dates of the training, and the number of hours of training completed;
- (2) submits original or certified true copies of
 - (A) student records verifying that the applicant has successfully completed 250 hours of training in a school approved by the board or the Alaska Commission on Postsecondary Education;
 - (B) a certification from another state's licensing agency, bearing the seal of that state, that the applicant has successfully completed 250 hours of training; or
 - (C) repealed 6/21/2018;
- (3) pays the application fee established in 12 AAC 02.140;
- (4) pays the written examination fees established in 12 AAC 02.140;
- (5) submits verification of passing the written examination described in 12 AAC 09.066; and
- (6) pays the initial biennial license fee in 12 AAC 02.140.

(n) The following checklist is established by the board for review of an application for an advanced manicurist endorsement by waiver of examination. An advanced manicurist endorsement will be issued to an applicant who submits

- (1) the documents and fees required by (b)(1), (b)(3), and (b)(7) of this section;
- (2) a verification form completed by another state's licensing agency, bearing the seal of that state, showing that the applicant
 - (A) holds a current license to practice as a manicurist in that state; and
 - (B) qualified for licensure as a manicurist by passing a written examination; and
- (3) verification of training that meets the requirements in 12 AAC 09.148.

(o) The following checklist is established by the board for review of an application for a license by examination to practice body piercing. A license to practice body piercing will be issued to an applicant who

12 AAC 09.100. ESTHETICIAN LICENSE BY EXAMINATION. An application for an esthetician license by examination must be submitted in accordance with 12 AAC 09.005, with verification of at least 350 hours of esthetics training in an approved school or apprenticeship program, or in a combination of training and apprenticeship approved by the board or by another licensing jurisdiction.

Authority: AS 08.13.030 AS 08.13.082 AS 08.13.090
AS 08.13.080

12 AAC 09.105. ESTHETICIAN LICENSE BY WAIVER. An applicant for an esthetician license by waiver of examination must apply on a form provided by the department. The application must include

- (1) payment of the applicable fees established in 12 AAC 02.140;
- (2) verification of a current license to practice as an esthetician issued by another state;
- (3) verification of training equivalent to that described in 12 AAC 09.100; and
- (4) documents verifying that a state in which the applicant was licensed as an esthetician required the applicant to pass a written examination to qualify for licensure.

Authority: AS 08.13.030 AS 08.13.100

12 AAC 09.106. INSTRUCTOR LICENSE REQUIREMENTS. (a) A barber, hairdresser, manicurist, or esthetician who applies for an instructor license must comply with the requirements of this section before teaching in a school or instructing an apprentice in the practice or instruction of barbering, hairdressing, manicuring, or esthetics.

(b) A person licensed as an instructor is limited to instructing only in those fields in which the instructor holds a valid Alaska practitioner license.

(c) An application for an instructor license by examination must be submitted in accordance with 12 AAC 09.005, and must include verification of

- (1) a current barber, hairdresser, manicurist, or esthetician practitioner license in this state; and
- (2) either
 - (A) at least three years of practice as a licensed barber, hairdresser, manicurist, or esthetician in this state or in another licensing jurisdiction; or
 - (B) one year of practice as a licensed barber, hairdresser, manicurist, or esthetician in this state or another licensing jurisdiction followed by 600 hours of student-instructor training in a school approved by the board or approved by another licensing jurisdiction.

(d) An applicant for an instructor license by waiver of examination shall apply on a form provided by the department. The application must include

- (1) payment of the fees established in 12 AAC 02.140;
- (2) verification of a current barber, hairdresser, manicurist, or esthetician instructor license issued by another licensing jurisdiction;
- (3) verification of a current barber, hairdresser, manicurist, or esthetician practitioner license in this state; and
- (4) documents verifying that a state in which the applicant was licensed as an instructor required the applicant to pass a written examination to qualify for licensure;
- (5) verification of either
 - (A) at least three years of practice as a licensed barber, hairdresser, manicurist, or esthetician in this state or in another licensing jurisdiction; or
 - (B) one year of practice as a licensed barber, hairdresser, manicurist, or esthetician in this state or another licensing jurisdiction followed by 600 hours of student-instructor training in a school approved by the board or approved by another licensing jurisdiction.

(e) Repealed 6/8/2016.

(f) An applicant for an advanced manicurist instructor license must apply on a form provided by the department. The application must include

- (1) verification of one year of work experience as a manicurist or hairdresser that includes at least 32 hours per week;
- (2) proof of passing the
 - (A) written examination for an advanced manicurist endorsement; and
 - (B) instructor's written examination; and
- (3) payment of the applicable fees established in 12 AAC 02.140.

Authority: AS 08.13.030 AS 08.13.080 AS 08.13.100
AS 08.13.070

12 AAC 09.107. TEMPORARY PERMITS. (a) A request for a temporary permit must be made on an application for licensure form provided by the department. The application must include

- (1) verification of a current license to practice barbering, non-chemical barbering, hairdressing, hair braiding, manicuring, esthetics, body piercing, tattooing, or permanent cosmetic coloring issued by another state; and
- (2) the application fee, license fee, and temporary permit fee specified in 12 AAC 02.140.

MEMORANDUM

State of Alaska Department of Law

TO: Sara Chambers, Director, Alaska Division of Corporations, Business and Professional Licensing

DATE: November 01, 2022

FROM: Patty C. Burley
Assistant Attorney General
Commercial and Fair Business Section

FILE NO.: 2022102526

TEL. NO.: (907) 269-6600

SUBJECT: Barbers and Hairdressers Board Questions

The Board has requested assistance on several issues which this memo will attempt to address. Please see the individual responses below.

LASERS AND DERMA LIGHTS

The board requested assistance discerning the place of “lasers” in the practice of esthetics and how to define what is acceptable for use by licensees. Specifically, due to the growing market for “medical spa” treatments, the Board is seeking assistance clarifying what is within the esthetician scope of practice under current law and what further guidance should be adopted in regulation.

History

The Board first discussed lasers in 2005. That year the Board voted unanimously to allow estheticians to perform “cold” laser hair removal while “hot” laser hair removal was to be performed only by a physician or individual under a physician’s supervision. The rationale was that laser hair removal, like Botox injections, dermabrasion and chemical peels went below the skin level and thus violated the definition and authority of estheticians.

In January of 2010, the Board again reviewed the use of lasers by estheticians. Specifically, the Board looked at three documents:

1. A letter dated March 1, 2005 from former Board Director Rick Younkins
2. Alaska Medical Board Guidelines regarding the use of Lasers and Laser Surgery dated October 25, 2007; and
3. American College of Surgeries (ST-11- Statement of Surgery Using Lasers, Pulsed Light, Radiofrequency Devices and other Techniques.

The Board was concerned the definition for esthetician allowed for the use of appliances and cosmetic preparations and could thus be inferred to allow for the use of lasers. The board went on to focus on the definition of “ablative” and “non-ablative” treatments and

recommended that for the purposes of AS 08.13.220(5), “appliances” or “cosmetic preparations” used to stimulate the face, scalp or neck, not include devices, tools or chemicals that are designed to excise, burn, or vaporize the skin below the derma-epidermal junction.”

The Board never followed up on this idea and never pursued the statute change.

In January of 2011, the Board requested a definition in the regulations showing that use of lasers is not part of an esthetician’s scope of practice. The Board felt estheticians cannot use lasers, only the medical community can. However, again the Board failed to follow-up.

The Board has not formally taken up the issue since despite several work sessions on regulations and statutes.

AAG Response

Both laser hair removal and derma lights penetrate below the skin surface and thus are prohibited to be performed by estheticians under the current definition in AS 08.13.220(5) which limits esthetician work to the outer layers of the scalp, face or neck.

A short term response is to issue a statement on the Board’s website containing something to the effect of:

Alaska Statute 08.13.220(5) defines esthetics as the use of hands, appliances, cosmetic preparations, antiseptics, or other lotions in massaging, cleansing, stimulating, or similar work on the scalp, face, or neck, including skin care, makeup and temporary removal of superfluous hair, for cosmetic purposes.

Lasers, derma lights and similar procedures penetrate below the skin surface and can involve areas beyond the scalp, face, or neck and are therefore outside the scope of practice of an esthetician’s license.

FIBROBLASTING, DERMAPLANING, CRYOSKIN

The Board agreed that fibroblasting, dermaplaning, and cryoskin are not within the scope of practice of the Board of Barbers and Hairdressers and may be the practice of medicine and surgery. The Board seeks guidance on issuance of a position statement that these practices require supervision by an appropriate licensed health care provider.

Background

The FDA has issued a warning against fibroblasting for aesthetic reasons. Currently most states require that only a plastic surgeon or medical professional perform this procedure due to the potential for 2nd and 3rd degree burns, nerve damage, and/or scarring. This procedure targets below the skin layer.

Cryoskin also targets below the skin and there have been reports of serious injuries. The FDA warns against this therapy stating there is no good research to support its effectiveness but the risks, however, are significant. Aside from the obvious (frostbite and burns), the FDA warns that asphyxiation can occur when nitrogen vapors reduce the amount of oxygen in an enclosed room. There may be an issue in Alaska laws regarding the storage of liquid nitrogen and the fact that cryosurgical units and accessories are considered medical devices.

Dermaplaning, however, is a different matter. Members of the public have twice come before the Board for guidance and been told by the Board that dermaplaning can be performed by licensed barbers. Presumably this was stated because the definition for “barbering” under AS 08.13.220(2) states that barbering includes *shaving*, trimming, or cutting, styling, curling, permanent waving... the beard or hair of a living person. While dermaplaning touts itself as more than shaving, at its most basic level it is shaving using a No. 10 surgical blade held at a 45-degree angle. Dermaplaning does not go below the surface of the skin. The Board discussed drafting a position paper on dermaplaning during its November 2019 meeting but never followed through.

AAG Response

As with laser hair removal and derma lights, fibroblasting and cryoskin penetrate below the skin surface and thus are prohibited from being performed by estheticians under the current definition in AS 08.13.220(5) which limits esthetician work to the outer layers of the scalp, face or neck.

A short term response is to issue a statement on the Board’s website much like the one suggested above. Additionally, the Board can advise that the FDA has warned against both procedures and can insert links to the FDA warnings.

Dermaplaning, however, is not prohibited for estheticians or barbers. While barbers traditionally do ‘shaving’ nothing in current state statutes or regulations prohibits an esthetician from using ‘appliances’ to remove superfluous hair from the face or neck. A review of how other states regulate dermaplaning shows a lack of consistency. States like Florida and Arizona allow estheticians to perform dermaplaning. Other states, such as California, prohibit the practice by all professions. While still other states, such as Colorado and Connecticut, only allow dermaplaning under an advanced esthetician license which has instruction specific not only to the procedure but to blood borne pathogens.

MICRONEEDLING, MICROCHANNELING AND NANONEEDLING

In 2019 the Alaska legislature adopted terminology which placed microneedling under the definition of tattooing. On June 12, 2018, the FDA announced that microneedling

devices are a Class II device to be used by or under the supervision of medical practitioners. The Board is concerned the placement of microneedling under tattooing is in error. The Board is seeking guidance on how to direct practitioners until a fix can be completed.

Background

At its January 29 and January 30, 2019 meeting, the Board reviewed a legal memorandum written on March 16, 2018 regarding Tattooing and Permanent Cosmetic Coloring. It was the conclusion of the writer, Claire E. Radford, that the inclusion of the words “microblading” and “microneedling” in the tattooing definition did not limit performance of those practices to a person who holds a license for tattooing. Those services could be performed by a person holding a license in permanent cosmetic coloring if done for the limited purpose of stimulating hair and makeup. Given the information provided, the Board decided to proceed with a statute change to update the definition of tattooing in AS 08.13.220(13).

When the Board met in October of that year, they recommended removing microneedling from the definition of tattooing.

At some point in 2019, the Board drafted a position paper stating they were researching the topic of microneedling but in the meantime it was their opinion that microneedling should not be performed by tattooers or permanent cosmetic colorists nor should it be included in the definition of tattooing. The Board recommended that tattooers and permanent cosmetic colorists not perform microneedling but that it be left within the scope of medical professionals. The Board did not adopt the position paper.

In May of 2020, the Board voted unanimously to remove microneedling from the definition of tattooing stating it is a medical procedure. However, despite the vote, no other affirmative steps were taken.

In May of 2021, the Board again discussed microneedling. The Board felt microneedling should be performed at a nurse’s level.

In October of 2021, the Board reviewed the definition of tattooing and again discussed the need to remove microneedling from the definition noting that this has been on their project list for 3 years but has not been sent to the legislature.

AAG Recommendation

In regards to microneedling, the FDA only recommends that it be done by a health care provider who is specially trained in microneedling. The FDA does not mandate it. Moreover, not all microneedling products are medical devices, it all depends on the length and sharpness of the needles. The FDA allows estheticians to perform microneedling if they are using devices of less than 0.3mm.

Microneedling, microchanneling, and nanoneedling, however, go below the surface of the skin and therefore in Alaska are prohibited from being performed by an esthetician. Currently, however, a tattooist may legally perform the service of microneedling in this State even though it does not involve any coloring.

The Board has been aware of the error in the statute defining tattooing for a few years and has suggested the legislative fix to remove microneedling from tattooing several times, however, the Board has not sent this matter for a legislative change. Until that occurs, the problem will continue to persist. Because all of these procedures are below the skin's surface level, they may not be performed by estheticians. Until the legislative fix is actually pursued, the issue will continue to be a problem.

CRAZY HAIR

The Board discussed the practice of “crazy hair” which requires a mobile shop license as well as adherence to the state’s safety and sanitation requirements. The Board is seeking guidance on the posting of an advisory on the Division website.

History

In October of 2019, the Board stated it did not believe that crazy hair activities warrant a professional license and would, therefore, take no action against those practicing those services. The Board elected to have one of its members draft a position statement. In May of 2020, the Board adopted a statement regarding Crazy Hair which was posted on the Division’s website. In May of 2021, the Board requested the statement be once again posted on the Division’s website.

The statement essentially said that providers of “crazy hair” at fairs, festivals, parties, and bazaars may not be licensed professionals and the use of those services puts the user at risk for: head lice and bed bugs, viral infections, bacterial infections, fungus, ringworms, hair and skin damage. It is unclear whether this statement was ever actually placed on the Division website.

AAG Recommendation

Alaska’s requirement that those providing hair services be licensed to do so and that they have a mobile shop license mirrors that of other states. However, I could find no state that posts a warning on their websites about carnival/festival hair activities but that does not mean that Alaska cannot. The wording on that would be up to the Board. There are reasons why a salon has sanitary requirements, provided the Board refer to those reasons, the Board would be fine in posting an informational notice on the Division website. For example: Getting your hair done at a festival may sound like fun but keep in mind that the practice of hairdressing in Alaska is licensed and regulated for health and sanitary reasons. Persons who make changes to the style, color, and/or texture of hair in this state for a fee require a license which indicates they have sufficient training and knowledge.

Booths at a carnival, festival or fair require a mobile shop license. In Alaska, hairdressers and shops are required to prominently post these licenses. Check that you see these licenses before you or your child get any services. If you have concerns, please contact...

Long-Term Resolution

This Board has been struggling with the number of cosmetic procedures that seem to constantly be developed. In the end, if they penetrate below the surface of the skin, an esthetician may not perform that service. However, Alaska's statute defining esthetician is outdated and does not keep up with the actual practice in most states. Moreover, some of the procedures which the Board is concerned about are taught as part of a standard esthetician curriculum at several more established locations and are also performed at a number of Lower 48 locations where estheticians may go to get some of the apprenticeship hours that are required by Alaska. That adds to the confusion; especially when the closest states – Washington and Oregon, allow several of the procedures to be performed by estheticians, albeit, under an advanced esthetician license.

Some states have a more robust licensing structure which differentiates and separately licenses and/or certifies the different disciplines. For example, in Idaho, an individual can obtain the following licenses: barber; barber-stylist; cosmetologist; electrologist; esthetician; nail technician; makeup artist; barber, barber-stylist instructor, etc.

Other states, like Washington and Oregon, simply have an Advanced or Master Esthetician License. These states regulate the testing, supervision, and other activities of advanced estheticians to ensure that those estheticians performing work with lasers, plasma, needling, etc., are properly trained and that someone in the medical field works in these offices. Oregon includes a catch-all provision that any new technology not specifically mentioned in their code but which the advanced esthetician intends to utilize is also covered (in other words they must demonstrate significant proficiency in that technology before they can use it).

Finally, some states, like California and New York, review each new procedure as they emerge and regulate each one either adding it to the items that can be performed by an esthetician, an advanced esthetician, a doctor, or are banned throughout the state.

What is currently clear is that this Board's approach of addressing items in their minutes is not working. Minutes are difficult to sift through and are not generally something the public goes to for guidance. Moreover, position statements, while helpful, are not widely seen in an ever emerging industry. Statutes and regulations would go much further towards stemming the issues which this Board has faced since at least 2005.

My office is available and willing to assist. Samples of statutes and regulations from other states could be provided for review and discussion by this Board if this Board

would like to consider updating the current framework under which it regulates these practices.

Thank you for the opportunity to assist. Should there be any additional questions or if there is anything else I can assist with, please do not hesitate to reach out.



THE STATE
of **ALASKA**
GOVERNOR MIKE DUNLEAVY

Department of Commerce, Community,
and Economic Development

BOARD OF BARBERS AND HAIRDRESSERS

P.O. Box 110806
Juneau, AK 99811-0806
Main: 907.465.2550
Fax: 907.465.2974

November 14, 2022

Position Statement Regarding Estheticians Providing Services at the Dermal Skin Layer

The Board of Barbers & Hairdressers met November 14, 2022 and made the following statement addressing estheticians providing services that go below the dermal layer of skin.

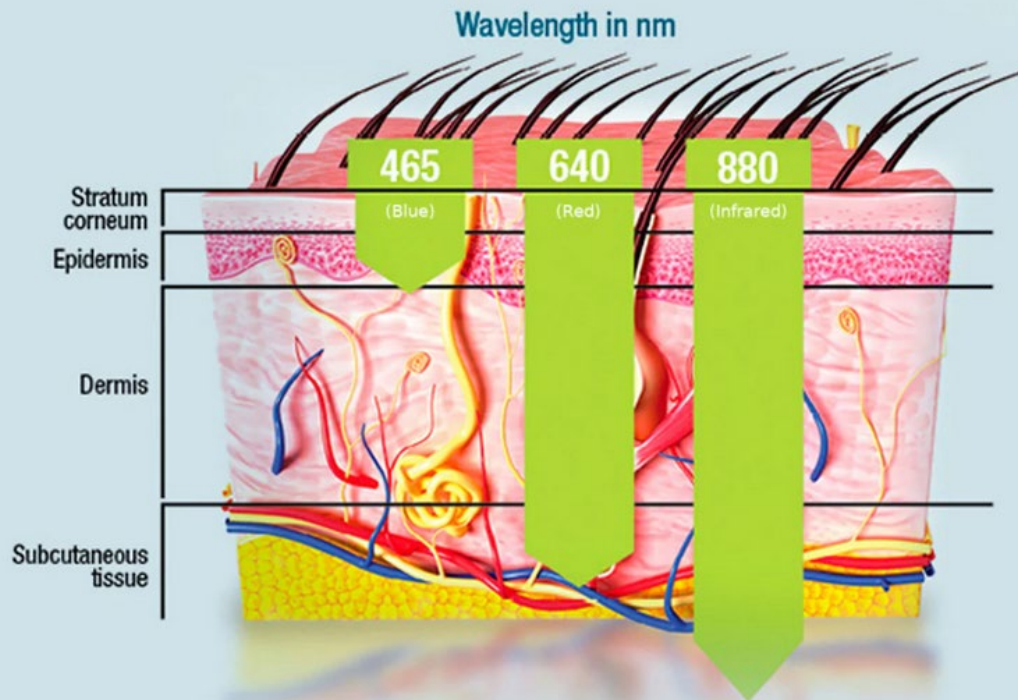
Estheticians may provide services that does not go below the dermal layer of skin.

In accordance with Alaska statute 08.13.220(5) "esthetics" means the use of the hands, appliances, cosmetic preparations, antiseptics, or lotions in massaging, cleansing, stimulating, or similar work on the scalp, face or neck, including skin care, make-up, and temporary removal of superfluous hair, for cosmetic purposes for a fee.

Thank you for understanding. If you have any questions, please reach out to the board and questions will be discussed by board members.

Respectfully,
Alaska Board of Barbers & Hairdressers
Boardofbarbershairdressers@alaska.gov

Depth of Light Energy Penetration



From: [reese.hammer](#)
To: [Board of Barbers Hairdressers \(CED sponsored\)](#)
Subject: Re: Service Requirements
Date: Monday, November 21, 2022 3:44:16 PM
Attachments: [image001.png](#)

Hi Cynthia,

Thank you for the clarification. I understand that its a type of 'tattoo' but its the exact same procedure/technique that I was trained and licensed to perform for pmu brow and lip outlining. The only difference is the shape and placement. There would be no shading/color or large tattoos like what full-on tattooists offer.

In some states, tiny tattoos can be performed by regular estheticians and for the more strict states pmu artists are able to do them. Is there any way you can research this a little closer after I've explained it better? Or may I bring this matter to the boards attention to possibly create a subcategory for body art that is strictly for tiny, fine-line tattoos for PMU artists to perform; with restrictions of course, so as to not infringe on a full blown tattoo artists. Most tattoo artists won't even bother with the tiny tattoos because they don't make enough money to justify them. There is a demand for them that is currently not being met here in Alaska due to the extensive costs and training associated to be able to offer them.

I am heavily invested in this field already, to the tune of almost \$20k, and feel that it is overkill on my end to have to go through an entire 1,200 hour apprenticeship and pay a lot more money to have to become a licensed 'tattoo artist' in order to perform the service that I am currently already licensed to do.

I really appreciate you taking the time to help me figure this out. Please let me know what my options are as I move forward on this. Have a great Thanksgiving and I'll talk to you soon.

Sincerely,
Reese Hammer
Aeri Aesthetics & Permanent Cosmetics

On Nov 17, 2022, at 9:11 AM, Board of Barbers Hairdressers (CED sponsored) <boardofbarbershairdressers@alaska.gov> wrote:

Hello Reese.

Apologies for the delayed response.

In accordance with Alaska statute 08.13.220(12) a permanent cosmetic colorist (PCC) may only provide services for the purpose of simulating hair and makeup.

person for a fee and for cosmetic purposes;

(12) "permanent cosmetic coloring" means tattooing for the purpose of simulating hair or makeup, such as permanent eyeliner, lip color, eyebrows, and eyeshadow;

(13) "practitioner" means a person licensed to practice barbering, non-chemical barbering, hairdressing, hair braiding, manicuring, esthetics, tattooing, permanent cosmetic coloring, or body piercing under this chapter;

(14) "shampoo person" means a person who, for a fee and under the supervision of a practitioner of barbering or hairdressing, cleanses or conditions the hair of the human head with products that have no effect other than cleaning or conditioning the hair;

(15) "shop" is an establishment operated for the purpose of engaging in barbering, hairdressing, hair braiding, manicuring, esthetics, tattooing, permanent cosmetic coloring, or body piercing;

(16) "tattooing" means the process by which the skin is marked or colored to form indelible marks, figures, or decorative designs for nonmedical purposes by inserting or ingraining an indelible pigment into or onto the skin, microblading, or microneedling.

If you would like to provide tattooing services, you will need to obtain a tattoo license.

Respectfully,

Cynthia Spencer
Occupational Licensing Examiner
Div. of Corporations, Business and Professional Licensing
Professional Licensing

---Original Message-----

From: reese hammer
Sent: Sunday, November 6, 2022 2:12 PM
To: Spencer, Cynthia R (CED)
Subject: Service Requirements

[You don't often get email from

CAUTION: This email originated from outside the State of Alaska mail system. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good afternoon,

I'm reaching out on behalf of the requirements to offer 'Tiny Tattoos' in addition to my existing PMU services that I currently provide here in Alaska. I am a licensed Permanent Cosmetic Colorist going into my second year now and have been trained and certified for minimal fine line tattoos that involve inserting the pigment with a single needle machine. This is the exact same technique I do currently for an outline for Powder Brows. I just wanted to make sure that this service is legal to perform with my PCC licensing since it's essentially the exact same procedure. I will also only be doing tattoos the size of a deck of cards or smaller, with no shading (strictly fine line tattoos that current tattoo parlors aren't taught to do and cannot do with the size of their coil machines.) If you could get back to me with more information on this subject that would be greatly appreciated. I cannot wait to bring this service to Alaska!

Thank you in advance,
Reese Hammer
Owner/Operator of Aeri Aesthetics & Permanent Cosmetics